

MEDIAEVAL, PHILOSOPHICAL, TEXTS IN TRANSLATION

Henry of  
Ghent

QUODLIBETAL  
QUESTIONS ON  
MORAL PROBLEMS

TRANSLATED FROM THE LATIN  
WITH AN INTRODUCTION AND NOTES

by

ROLAND J. TESKE, S.J.

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HENRY OF GHENT

QUODLIBETAL QUESTIONS

ON MORAL PROBLEMS

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For Martin D. O'Keefe, S.J.

With gratitude and friendship





## Introduction

A number of years ago, I translated some of Henry of Ghent's *Quodlibetal Questions* on free will,<sup>1</sup> largely at the instigation of Fr. Raymond Macken, O.F.M., at that time the coordinator of the critical edition of Henry's works that is being produced at the University of Leuven. After I had completed that translation, Fr. Macken suggested that I translate some of Henry's questions on various moral problems. Unwilling to leave it at a mere suggestion, Fr. Macken sent me a selection of Henry's *Quodlibetal Questions* on such problems along with a number of articles he had written on them and urged me to translate those *Quodlibetal Questions* for the English-speaking philosophical world. More recently, after the untimely death of Professor Jos Decorte of the University of Leuven, I took over and completed his translation of Henry's questions from his *Summa quaestionum ordinariam*, questions twenty-one through twenty-five, the questions on the existence and essence of God.<sup>2</sup> Working on these questions from the *Summa* rekindled in me an interest in Henry, and that in turn has led me to finish the questions on morality contained in this volume.

Henry's life has been sketched in some detail by Pasquale Porro,<sup>3</sup> and my previous translation also contains a brief biography. Hence, only a few facts will be noted here. Henry was born before 1240, perhaps as early as 1217. By 1265 he was at the University of Paris. He is listed for the first time as magister in 1267, and he was at the same time a canon in Tournai. From 1276, the year of his first Quodlibet, until his death in 1293, Henry was regent master in the faculty of theology. His *Quodlibetal Questions* and his *Summa of Ordinary Questions* are his principal philosophical and theological works. The former represent the records of the public disputations that a master held once or twice a year during Advent and/or Lent, usually over a period of two days, at which the master dealt with any topic whatsoever that was proposed to him in theology, philosophy, or ecclesiastical law. According to the chronological

<sup>1</sup> See *Henry of Ghent: Quodlibetal Questions on Free Will*, translated with Introduction and Notes (Milwaukee: Marquette University Press, 1993).

<sup>2</sup> See *Henry of Ghent's Summa: The Questions on God's Existence and Essence (Articles 21-24)*, translation by Jos Decorte (Katholieke Universiteit Leuven) and Roland J. Teske, S.J. Dallas Medieval Texts and Translations 5 (Leuven: Peeters, 2005).

<sup>3</sup> P. Porro, "An Historicographical Image of Henry of Ghent," in *Henry of Ghent: Proceedings of the International Colloquium on the Occasion of the 700<sup>th</sup> Anniversary of his Death (1293)*, ed. W. Vanhamel (Leuven: Leuven University Press, 1996), pp. 373-403.

chart given by J. Gómez Caffarena, Henry's quodlibetal disputations were held yearly from Advent of 1276 (Quodlibet 1) until Advent of 1291 (Quodlibet 15).<sup>4</sup> Quodlibet 9 has held in Lent of 1286 and Quodlibet 10 in Advent of the same year. Quodlibet 12 dates from Advent of 1288, and Quodlibet 15 from Advent of 1291. Henry's *Quodlibeta* are rightly regarded as the most important example of quodlibetal questions from the medieval period. Martin Grabmann said of Henry's quodlibetal questions:

The *quodlibeta* of the Solemn Doctor, truly the most valuable work of Scholasticism, are a highly important, but as yet insufficiently studied source for a deeper historical understanding of the inner opposition between Augustinianism and Thomistic Aristotelianism of the thirteenth century.<sup>5</sup>

While the questions translated in this volume do not directly address the opposition of Augustinianism and Thomistic Aristotelianism,<sup>6</sup> they do reveal a good deal about the moral concerns of the learned men of the late thirteenth century and about the sort of answers such men could expect from a master in theology at the University of Paris. They do, of course, reveal Henry's considerable debt to the thought of the Bishop of Hippo and his wide knowledge of classical and medieval sources.

Macken has pointed out that an advantage that medieval masters of theology had at a university, such as the University of Paris,

was that they were often consulted on problems arising from the concrete and daily life, on which their counsels were publicly requested before a large audience, and this for example under the form of 'quodlibetal questions,' where the learned public could directly ask their advice on all questions concerning philosophy and theology. . . .<sup>7</sup>

<sup>4</sup> J. Gómez Caffarena, "Cronología de la 'Suma' de Enrique de Gante," *Gregorian* 38 (1957): 116–133. Caffarena uses the established dating of the *Quodlibeta* to determine the dating of the questions of Henry's *Summa*.

<sup>5</sup> M. Grabmann, "Bernard von Auvergne, O.P. (d. nach 1304), ein Interpret und Verteidiger des hl. Thomas von Aquin aus alter Zeit," in *Mittelalterliches Geistesleben* (Munich: M. Huber, 1936), p. 557 (my translation).

<sup>6</sup> For the opposition between Henry's Augustinianism and the Aristotelianism of the late thirteenth century, the reader would do better to consult my forthcoming translation of the questions from the *Summa*.

<sup>7</sup> R. Macken, "Human Self-Defense against Injustice and Oppression in the Philosophy of Henry of Ghent," *Mediaevalia: Textos e Estudios* 3 (1993): 47–54, here 48.

Hence, although the quodlibetal questions translated in this volume may not disclose deeper metaphysical issues or the opposition between Augustinianism and Aristotelianism, they do offer the readers some insights into the moral questions of the day that were raised by the learned and answered by a master in theology at the young, but already great University of Paris. The final question from Quodlibet Fifteen clearly reveals how such questions could arise from contemporary events.

### QUODLIBET I, QUESTION 18

Question 18 asks whether the will is evil if it disagrees with an erroneous reason. That is, as the first objection puts it, since reason is in error when it disagrees with a commandment, it would seem that a will that disagrees with a reason in error would be right since it would agree with the commandment. But the argument to the contrary indicates that Henry's response holds that such a will is sinful.

The resolution distinguishes right reason and conscience. Right reason is formed by subsuming particular actions to be done under universal rules for acting, which come from the dictates of natural law. Thus right reason is a particular rule, while natural law is a universal rule. Conscience, however, does not pertain to the contemplative or theoretical side of the soul, but to the practical side. On the practical side or in the will, there is a universal mover, namely, *synderesis*, which is a universal and inextinguishable tendency that always agrees with the dictate of the law of nature, while conscience, a deliberative tendency in the will, is a particular mover that moves someone to action in accord with the dictate of right reason. Conscience is formed only by the free choice of the person who wills it, although in accord with the knowledge of reason. Thus some people have much knowledge, but little or no conscience, either because they do not deliberate or, if they do deliberate, they choose to act contrary to what they know.

Unlike St. Thomas, for whom *synderesis* and conscience pertain to practical reason, for Henry—as for others in the Franciscan tradition such as Alexander of Hales and Bonaventure—*synderesis* and conscience pertain to the sphere of the will, although in accord with reason.<sup>8</sup> Although Henry is not the radical voluntarist that he has at times been said to be, he clearly held the primacy

<sup>8</sup> See R. Macken, "Synderesis and Conscience in the Philosophy of Henry of Ghent," *Franciskanischen Studien* 70 (1988): 185-195, here 187.

of the will over the intellect,<sup>9</sup> and it is hardly a surprise to find that he sees synderesis and conscience as pertaining to the sphere of the will.

Since reason and conscience belong to different parts of the soul, Henry concludes that it is not the same thing for the will to disagree with an erroneous reason as with an erroneous conscience. Someone who sins against an erroneous conscience sins more than someone who sins against an erroneous reason, because someone who sins against conscience holds in contempt both the judgment of reason and the inclination of the will. Because, however, an erroneous reason results from some ignorance, Henry distinguishes kinds of ignorance. For ignorance at times removes all voluntariness and at times does not, but even increases it. Ignorance of a fact, which comes about without any negligence of the part of the person, makes an action entirely non-voluntary, if, for example, I hit the neighbor's dog that runs in front of my car, because I erroneously believe that the dog is properly chained in the backyard. If, on the other hand, I will to run the dog over, though I erroneously believe that the dog is safely chained, then my will is evil.

But if the ignorance is the sort that does not remove every sort of voluntariness. For example, if my ignorance is affected or deliberately sought or if I am ignorant of something that I have a duty to know as a human being or as a member of a profession, then an error of reason does not excuse a will that acts according to it. Since, however, the error results from sinful ignorance, the person sins if he acts in accord with it, but he also sins if he acts with a will that goes against his reason. Hence, Henry concludes that such a person is perplexed, that is, he necessarily sins unless he sets aside his error.

### QUODLIBET 9, QUESTION 19

Question 19 asks whether one should procure one's personal good rather than the common good. The sole objection argues that the common good is more divine and that one should, therefore, procure it rather than one's own personal good. But the argument to the contrary points out that well-ordered charity entails loving oneself more than one's neighbor and, therefore, procuring one's personal good rather than the common good.

Henry's resolution of the question begins with several distinctions between a personal good and a common good, each of which can be either a temporal good or a spiritual good. Furthermore, a personal good can either be one included in the common good or not be one included in the common good.

<sup>9</sup> In Quodlibet 1, Question 14, Henry argues that the will is a higher power than the intellect. For an English translation, see *Quodlibetal Questions on Free Will*, pp. 25–29.

Thus Henry poses the original question in a number of new forms, such as, whether, if both one's personal good and the common good are temporal goods, which good one should procure, and his answer points out that one should procure one's personal temporal good if he needs it very much, while the neighbor needs the common good only slightly. Of course, just the opposite holds if the neighbor needs the common good very much and one does not need one's personal good very much. And it is, of course, possible that both persons need the good in question to a moderate degree, that is, short of extreme necessity. In that way Henry turns a simple question that seemed to ask for a simple yes or no answer into a quite complicated one that reveals a mind that saw the complexity of even an apparently simple question.

### QUODLIBET 9, QUESTION 26

Question 26 asks whether someone condemned to death may escape if the opportunity presents itself. Although Henry answers in the affirmative that he may, his answer is not likely to be of much use to a present-day convict on death row. His answer, on the other hand, does present an interesting consideration of the justice of such an escape as well as the limitations that justice imposes upon it. The sole objection argues that, if one may not take a smaller object from another person, one may not take a greater one. Thus, just as the condemned man may not take any property from the judge, so he may not take his own body away from the judge.

The resolution points to different respects in which various persons have power over the same thing so that, for example, while one person may have ownership of it, another may have the use of it. Thus Henry distinguishes what is lawful, what is permissible, what is a right, and what is a necessity, noting that the earlier is always included in the latter. Henry answers that a secular judge has over the body of the man condemned to death the power of capturing, detaining, and killing it, but that the condemned man himself has the power of using his own body for the preservation of his bodily life. In fact, Henry claims that in the present case he has the necessity of exercising his right, providing that he does so without harm to another. Thus, if the prisoner is left unguarded with his chains off and the gates of the prison open, he may flee, although he would not have the right to flee if he had to break the chains or damage the prison—much less if he had to do physical harm to the guard.

### QUODLIBET IO, QUESTION I2

In this question Henry asks whether friendship is a virtue. In his lengthy response Henry develops a short treatise on friendship, which he bases on Aristotle, Cicero, and Richard of Saint Victor, thus weaving together his three sources from ancient Greece, ancient Rome, and twelfth-century Paris into a original Christian view of friendship.<sup>10</sup>

The sole objection to an affirmative answer is that a virtue is not lost by one person as the result of another's wrongdoing, but friendship is destroyed if one of the friends becomes evil. The argument to the contrary, however, points out that the acts of a virtue are elicited from a habit, as one can see with graced friendship whose acts are elicited from the habit of charity. In the resolution Henry notes that the question arises because of Aristotle's statement that friendship is either a virtue or accompanies virtue. Interpreting the disjunction as a conjunction, Henry answers that, as a separate virtue, friendship is a part of justice, but that it always exists with one or more other virtues as its foundation.

For the existence of a true friendship, as opposed to friendships based on utility or pleasure, three factors must concur. First, there must be another virtue or other virtues as a foundation. Secondly, the person in whom friendship is to be produced must have the proper disposition for love. Thirdly, friendship requires the proper acts by which it is produced, namely, loving and loving in return. The acts by which friendship is to be produced are, moreover, found in three degrees. One must, first, love the good of virtue in himself. He must, secondly, love the same thing in his neighbor. Having up to this point based his answer principally on Aristotle's *Ethics*, Henry now also appeals to Richard of Saint Victor in support of this second point. Thirdly—and this time mainly from Richard—Henry argues that the person in whom friendship is to be generated in the highest degree must want to love with a third person what he loves in himself and in his neighbor. Thus perfect friendship requires a minimum of three persons.

Henry also points out that the action of loving in each of the three degrees should have three companions, namely, benevolence, beneficence, and trust. That is, mere good will is not enough without also doing good for one's neighbor and trusting that the neighbor will show him love and friendship in return. The exercise of benevolence, beneficence, and trust generate habits that unite friends to one other. And for this reason friendship brings the actions of all the virtues into play. While the acts of the other virtues exist simply when the

<sup>10</sup> See James McEvoy, "The Sources and the Significance of Henry of Ghent's Disputed Question, 'Is Friendship a Virtue?'," *Henry of Ghent*, pp. 121–138.

acts are performed, the acts of friendship exist only when they are produced for the common benefit of the friends. Hence, Henry claims, no act of virtue can be perfect without friendship.

In relation, then, to the other virtues friendship is a principal part of general justice, which does onto others according to their due and as one wants others to do toward himself. As the crown of the moral virtues, friendship is most like infused charity, and it is more perfect to the extent that it is founded upon more perfect virtues. Insofar, however, as the habit is concerned with a passion rather than an action, it is properly called friendliness and is a part of temperance, lying in the mean between fawning adulation and gruff boorishness. Friendship in this respect does not pertain to the present question for it does not depend on the other virtues. Rather, they depend upon it. Insofar, then, as friendship is concerned with actions, it is a part of justice, and it is friendship in the proper sense.

In replying to the objection Henry explains that, unlike the other moral virtues, friendship does not consist simply of a non-relative habit, but in a non-relative habit along with a relation to another habit in the friend. Hence, if a friend goes bad, the non-relative habit remains, but the relative aspect perishes, just as if one of two white things turns black, the relation of likeness perishes, though one of the two things remains white.

### QUODLIBET IO, QUESTION 17

Question 17 asks whether it is permissible for the oppressed to turn aside their injury by the power of princes. An objector argued that Christ-like behavior would have one flee to another city if he is persecuted in his own, in accord with Mt 10:23. Henry, on the other hand, while admitting the need on the part of a Christian to be ready to suffer injustices, offers his own resolution of the question that is both in accord with Christian spirituality and with the demands of justice. He teaches that, provided the injured party forgives the injury and does not strive to seek vengeance through himself or through a judge, he may appeal to a judge for justice in order that the oppressor may not become insolent and in order that amends may be made.

One should, Henry counsels, first appeal to an ecclesiastical judge, but allows that, if this move fails to obtain justice, one may appeal to the power of the civil authorities. If neither an ecclesiastical nor a civil judge is available, then one must await the judgment of God. If the injured person, however, cannot obtain redress and cannot live in peace with the person who has injured him, he should in that case follow the words of Christ and flee to another place. Finally, Henry notes in answer to the question that it is not only permissible



to repel injury by the power of princes, but that it would also be unjust not to do so if it is possible.

### QUODLIBET 12, QUESTION 13

Question 13 asks whether a person who has no hope of a life hereafter ought in accord with right reason to choose to die for his country. The first objection argues that a person without the hope of a life to come ought not to choose to die for his country because such a person, however brave he may seem, is really choosing his own unhappiness, which no one should do in accord with right reason. A second objection argues that such a person ought to value his own natural life just as much as a believer values his spiritual life and that, just as a believer ought never to choose the death that is opposed to his spiritual life, namely, sin, so the man without hope of a future life ought never in accord with right reason to choose the loss of his natural life. Two arguments to the contrary argue, however, that such a person without hope of a life to come ought in accord with right reason to choose to die for his country.

In resolving the question Henry points out that what ought to be done in accord with right reason ought to be done equally among all people and that the judgments of philosophers and of Catholics should not differ with regard to the demands of right reason. Hence, a person without the hope of a life to come ought in accord with right reason make the same judgment as a believer, namely, that he should choose to die for his country, since he would sin in not choosing this, even if he did not fear to offend God on account of future punishment. In accord with right reason one should always choose the acts of the virtues and should always avoid the acts of the vices. Hence, Henry concludes that a man without hope of another life ought in accord with right reason to choose to die for his country.

### QUODLIBET 15, QUESTION 16

Question 16 illustrates well how the questions posed for a master of theology could arise from contemporary events. For the question asks about the morality of the action of a Christian soldier who, during the sack of the bastion of Saint John of Acre on 10 May 1291 hurled himself forward into the forces of the enemy, well aware that he would meet with death at the hands of the foe. Does such a soldier perform an act of magnanimity or greatness of soul, or is flight in the face of such odds the morally right course to follow? The question not merely allows Henry to defend the heroism of the Christian soldier who gave his life for the city of Acre and for the Christian faith, but to expatiate on the just way theory and the legitimacy of flight in the face of the enemy. He brings to bear on his answer to the question the ideas of Aristotle, a Greek

philosopher, Augustine, a Father of the Church, Cicero, a Roman orator and philosopher, and Vegetius, a Roman military tactician, thus combining Christian wisdom with pagan philosophy and military strategy.

### THE TEXTS TRANSLATED AND THE TRANSLATION

The Latin text of each of the first six questions translated is taken from the critical edition. Since the final question has not as yet been redacted in the new edition, the Badius text printed at Paris in 1591 and reprinted at Louvain in 1961 was used. In the translation of this question the folio numbers from the Badius edition are inserted in the text in brackets, e.g., [594vr]. The individual volumes of the critical edition and their editors are: *Quodlibet I*, ed. R. Macken (Leuven, 1979); *Quodlibet IX*, ed. R. Macken (Leuven, 1983); *Quodlibet X*, ed. R. Macken (Leuven, 1981); *Quodlibet XII*, ed. J. Decorte, (Leuven, 1987).



HENRY OF GHENT

QUODLIBETAL QUESTIONS

ON MORAL PROBLEMS

Quodlibet 1, Question 18

Whether the Will Is Evil When It Disagrees  
with an Erroneous Reason.

Regarding the fourth question it was argued that the will in disagreement with an erroneous reason is not evil, because a will in disagreement with the command of an inferior that in turn disagrees with the command of a superior, is good, not evil. For, on account of the command of a superior, the command of the inferior should be scorned. But such is the will in disagreement with an erroneous reason, because the error of erroneous reason is against the command of the divine law, which is the command of the superior in relation to which reason, which is giving the command, is the inferior. Therefore, and so on.

On the contrary, the apostle says in the Letter to the Romans, *What does not come from faith is sin* (Rom 14:23). The *Gloss* says: “If it is against conscience.”<sup>1</sup> The will in disagreement with an erroneous reason is against conscience. It is, therefore, a sin and an evil.

<sup>1</sup> Anselm of Laon, *Interlinear Gloss (Biblia latina una cum glossa ordinaria Walafri di Strabonis et interlineari Anselmi Laudunensis)*, on Romans 14:23 (Strasbourg, 1497).

### <The Resolution>

Here in the beginning one must know that right reason and conscience are not the same in matters of action. For right reason about particular actions is formed from universal rules for action, which come from the dictates of natural law, as if from the major premise, and from particular actions to be done, which are subsumed under those universal rules by the counsel of reason. But conscience about what is to be done does not yet exist from this, because, if it did, then everyone who has knowledge of what is to be done would have conscience about what is to be done, and someone who had greater knowledge would have a stricter conscience about what is to be done. This is false, because we quite frequently see that people who have a greater knowledge of what is to be done have less conscience about what is to be done. Hence, an erroneous reason is not the same thing as an erroneous conscience, and this is the case because conscience does not pertain to the cognitive part of the soul, but to the practical part. For, just as in the cognitive part natural law is present as the universal rule of what is to be done and right reason is present as the particular rule, so in the sphere of the will there is a certain universal mover that stirs one to action in accord with the universal rules of the natural law. And it is called "synderesis," which is a certain natural tendency in the will that always agrees with the natural dictate of the law of nature. And for this reason it is called "synderesis," that is, "with-choice," from "*syn*," that is, "with," and "*hairesis*," that is, "choice." And there is a certain particular mover that stirs one to action in accord with the dictate of right reason, and it is called "conscience," which is a certain deliberative tendency in the will that always agrees with the dictate of right reason. And for this reason it is called "conscience," that is, "with-knowledge," because it is a deliberative tendency in the will that always agrees with the knowledge in right reason. And conscience is always formed by the consent and choice of the free will in accord with the judgment and decision of reason so that, if reason is right, conscience is also right and if reason is in error, conscience is also in error. And because conscience is only formed by the free choice of the person willing, although it is formed in accord with the knowledge of reason, there results from this that some people who have much knowledge of actions have in themselves no conscience or only slight conscience about what is to be done in accord with knowledge. And this comes about either because they do not deliberate about what to do, but do everything precipitously, or, if they do deliberate, they freely choose contrary to knowledge and entirely reject it, or they feebly follow it in choosing and do the contrary of what they know. Hence, all such persons act contrary to knowledge without any conscience or with very little

conscience causing remorse, having only the remorse of synderesis, which cannot be entirely extinguished.

With regard, therefore, to the present question it is not the same thing for the will to disagree with an erroneous reason and with an erroneous conscience, although everyone who disagrees with an erroneous conscience disagrees with an erroneous reason, because every conscience, whether right or erroneous, is formed in accord with right or erroneous reason. For the will can disagree with an erroneous reason, although it cannot disagree with an erroneous conscience, perhaps because the person in error does not have a conscience formed in accord with reason.

With regard to the present question, nonetheless, there remains only that someone who sins against an erroneous conscience always sins more than someone who sins against an erroneous reason because he shows more contempt. For someone who acts against conscience holds in contempt the judgment of reason and the inclination of the will at the same time. But someone who acts only against an erroneous reason holds in contempt only the judgment of reason, not the inclination of the will, except with respect to synderesis, as was said.

But with regard to the present question, it must be said that, since every erroneous reason exists because of some ignorance, and since according to the Philosopher in book three of the *Ethics* ignorance at times causes an action to be involuntary and at times does not,<sup>2</sup> and since it is not a moral evil or a sin unless it is voluntary, as is evident from what has been already determined, we must distinguish on the part of ignorance what is the cause of the erroneous reason. For either it is the sort that removes every sort of voluntariness, or it is not.

If the first is the case, then it removes every sort of moral good and evil, and it is ignorance that causes non-voluntariness, which comes from the ignorance of some circumstance without total negligence on the part of the one who is ignorant. This is called ignorance of a fact.<sup>3</sup> And such a will in disagreement with an erroneous reason is evil, because that error is completely excused. For example, if reason errs insofar as someone believes that some woman sleeping

<sup>2</sup> See Aristotle, *Nicomachean Ethics* 3.1.1110b18-19; translated by R. Grosseteste in *Aristoteles Latinus* XXXVI 1-3. Fasciculus Tertius. *Ethica Nicomachea*, ed. R. A. Gauthier (Leiden: E. J. Brill and Brussels: Desclée de Brouwer, 1972, p. 181.

<sup>3</sup> Ignorance of a fact is contrasted with ignorance of the law and ignorance of the penalty. Ignorance of law concerns the existence of the law itself or about whether a particular case falls under its provisions. Ignorance of a fact concerns some circumstance of the matter in the concrete or its very existence. Ignorance of the penalty occurs when a person does not know that the law carries with it a sanction.

with him is his wife, as Jacob believed concerning Leah,<sup>4</sup> to whom he never consented, and when she asked, he refused to sleep with her, the will is evil without qualification and good in a certain respect.<sup>5</sup>

But if the ignorance is not such that it removes every sense of voluntariness, but there remains a voluntariness in some respect, whether directly or indirectly—directly, as when the ignorance is affected,<sup>6</sup> or indirectly, as when, on account of neglecting to investigate and to study, the ignorance is induced concerning something that it is necessary to know, such as a commandment of the law.<sup>7</sup> This is called ignorance of the law. In that case an error of reason does not excuse the will that acts in accord with reason, because the error is in a certain sense voluntary. For where the beginning is voluntary, everything that follows is also voluntary. Nor can a will that is in disagreement with it be excused with regard to whatever kind of action it may be so that the will is not evil. For the goodness or badness of the will properly depends on the object insofar as it is proposed to it by reason, so that the will in that way depends on reason that shows it the object on which the will depends. On this account the will that disagrees with an erroneous reason is always evil. Even if it is not evil on account of the object by its nature, it is, nonetheless, evil insofar as it is proposed to it by means of the judgment of reason. Thus, when reason presents something evil without qualification to the will in the character of something good without qualification, if the will disagrees with that, it is carried to the contrary under the character of something good as at the present and of evil without qualification. And in that way it sins out of contempt, preferring to what it thinks is a matter of divine law that which it does not think is such. Thus the will is condemned not only because of what it does, but because

<sup>4</sup> See Gen 29:21-25. Laban, Leah's father, had brought Leah to Jacob at night. Since Jacob had no way of knowing that Leah was not Rachel, whom he wanted, he was in error, and sleeping with Leah was not voluntary. A will in disagreement with such an error is evil. That is, if Jacob willed to sleep with her because he willed to sleep with someone who was not his wife, his will would be evil inasmuch as it disagreed with his erroneous knowledge.

<sup>5</sup> That is, Jacob's error causes his sleeping with Leah to be non-voluntary, but a will that disagrees with the erroneous knowledge, for example, if he wills to sleep with Leah, though he thinks that he is sleeping with Rebecca, is evil without qualification, but good in a certain respect because he erroneously thinks that the woman is his wife.

<sup>6</sup> Affected ignorance is ignorance that is sought on purpose.

<sup>7</sup> Induced ignorance results from the failure to acquire knowledge that one has a duty to have, such as knowledge about the commandments or about one's duty in a particular profession.

of what it intends to do. Such a person is in a state of perplexity so that it is necessary that he sin unless he puts aside his error.<sup>8</sup>

### <Replies to the Arguments>

To the argument to the contrary that someone acting against an erroneous reason obeys the command of a superior, it must be said that it is true in the matter commanded, but he does not apprehend it in the character of a commandment, but rather in the character of what is contrary to the commandment. For this reason the will is evil because of the intention of the agent, although it is not evil because of the thing done, as was said.

The argument to the contrary that *everything that does not come from faith*, that is, from conscience, *is a sin* (Rom 14:23) is acceptable, except for the fact that conscience in this case is not taken in the proper sense, but in an extended sense as a substitute for reason.

<sup>8</sup> A person is said to be in a state of perplexity or of a perplexed conscience when he necessarily sins whichever of two possible courses of action he takes. Such a state arises from an error, which, because it is voluntary, must be put aside if the person is not to remain in a perplexed state.





## Quodlibet 9, Question 19

### Whether One Should Procure His Own Personal Good More Than the Common Good.

There follow questions that pertain to human beings generally as composites of body and soul. Among them certain questions were asked which pertain to all human beings indiscriminately and some which pertain specially to certain states of human beings.

With regard to the first, three questions were asked: two about a good action and one about an evil action. Of these the first was about a good action without qualification, namely, whether one should procure his own personal good more than the common good. The second was about an action that is good from the kind of action that is done, namely, whether the giving of alms on behalf of a person who has died in a state of grace benefits the deceased person for whom this is done, if both people, namely, the one giving the alms and the one receiving it, are in mortal sin. The third was whether someone who gives scandal by an idle word sins mortally.

With regard to the first it is argued that one should procure the common good more because it is more divine.

On the contrary, well-ordered charity means loving oneself before and more than one's neighbor. But one's own good is procured out of a love for oneself, while the common good is procured out of a love for one's neighbor. Therefore, and so on.

#### <The Resolution>

One must say that it is necessary here to make distinctions about the good and about a personal good and the common good, because it is a temporal good that principally pertains to the body and it is a spiritual good that principally pertains to the soul. Likewise, there is a personal good that is included in the common good, and there is a personal good that is not included in it. If, then, one's personal good is included in the common good, one should in that case procure the common good rather than the personal good that is included in

the common good, other things being the same. But if one's personal good is not included in the common good, then each of the goods is temporal, or each is spiritual, or one is temporal and the other spiritual.

If the first is the case, then, as one possibility, the one procuring the good needs his own good very much, and the neighbor needs the common good only a little. In that case one should procure one's personal good. Or, as a second possibility, the one who is procuring the good needs his personal good only a little, and the neighbor needs the common good very much. In that case one should rather procure the common good. Or, as a third possibility, both need the good to a moderate degree and thus with less than extreme necessity. In that case, as I think, one should still procure the common good, because, even if one's own temporal good is not included in the common temporal good, it is still impossible that one's personal spiritual good is not included as a result of the merit of the one who procures that good, and one should procure his own personal spiritual good, other things being the same, more than his own personal temporal good.

If, however, each good is spiritual, in that case one should rather procure his own personal good, because anyone ought to will for himself a small amount of the good of grace or glory on account of its eternal perseverance rather than the greatest amount of good for the neighbor, just as one ought to will to be saved alone and that all the rest be condemned rather than the opposite.

But if one of the goods is spiritual and the other temporal, either that spiritual good is personal and the temporal good common, or the just the opposite.

If the first is the case, just as in the first way, one should rather procure one's own personal good, and much more than if the common good was also spiritual.

If the second is the case, either the one procuring it needs the personal temporal good in an extreme necessity, for example, bread so that he does not die, or he does not need it so much. If he needs it in the second way, he should rather procure the common good. But if he needs it in the first way, either the failure to procure the common good redounds to the public detriment of the Church in faith and morals, or it does not, but only to the detriment of some persons. If the first is the case, one should rather procure the common good, even if a man must die for the lack of a temporal personal good. If the second is the case, then the opposite is true.

### <Replies to the Arguments>

From what has already been said the objections are obvious to one who looks at them. For in cases in which one's own personal good should be procured, the common good is not more divine, either not more divine without qualification

or not more divine for the one who procures the good. But the more divine common good is never to be procured more, except when the more divine personal good is included in it. For the more divine personal good that is not included in the common good is always to be procured, just as one's spiritual personal good is to be procured more than the spiritual common good when one's personal good is not included in the common good, as was said. But in cases in which the common good is more to be procured, procuring the common good does not negate the fact that charity begins with oneself, because it does this only because one's personal good is included in the common good.



## Quodlibet 9, Question 26

### Whether Someone Condemned to Death May Flee If He Has the Opportunity.

There follow questions asked about human beings who are subjects. And one question was asked about civil subjects, while many were asked about ecclesiastical subjects.

That one question was whether someone condemned to death may flee if he has the opportunity.

And it seems that he may not, because, if it is not permissible for someone to take what is less, he may not take what is more. The body of someone condemned to death is something more than another temporal possession. But it is not permissible for someone condemned to take from the judge any other possession. Therefore, it is not permissible for him to take his own body from him. But he would take it if he ran away. Therefore, and so on.

On the contrary, since this man could save his own life by running away, he would by remaining provide the occasion for his own death. And no one is permitted to do that. Therefore, and so on.

#### <The Resolution>

It must be said that it is not impossible for many persons to have power over the same thing in different respects so that one has ownership of it and another has use of it, and according to this anyone of them can exercise his power over that thing in a different way, provided that this does not, nonetheless, result in harm to another. But there are four ways that are related in an order, according to which different people can have different powers over the same thing in different ways. These are: the lawful, the permissible, a right, and a necessity, and the earlier is always included in the later.

The lawful is the natural equity by which anyone can use the possession of another without loss to or damage to that other. For, as it says in the *Decretals*, distinction one, the paragraph entitled, “All laws”: “It is lawful to pass through

the field of another,”<sup>9</sup> that is, it is equitable when there is a reason and the passage does no harm.

The permissible is that which is granted by law; by it one can use the possession of another to some loss on the other’s part. For in the Old Law it was permissible to eat grapes in the field of another, but not to carry them off, and it was licit to break off ears of corn, but not to take the scythe to them.<sup>10</sup>

A right is the equity which permits the action of taking vengeance.

A necessity is the opportunity of using the possession of another. For the words of Christ declare his disciples innocent, when, in passing through the fields, they plucked ears of corn and ate them, because they did this, compelled by hunger, as is said in “On Consecration,” distinction five entitled, “Disciples,”<sup>11</sup> where the *Gloss* says, “The necessity caused by hunger excuses theft.”<sup>12</sup>

I say, therefore, to the question before me that a secular judge has over the body of a person condemned to death the power of capturing, detaining, and killing it. But in terms of his soul, the condemned man himself has over the same body the power of using it for the preservation of his own life in the body, in which his completeness consists, without injury to another. And he has this, not merely by the natural equity, which is what is lawful with regard to the property of another, but it is also permissible. And it is not only permissible as if it were granted by the law of nature to some detriment of another, but it is also a right according to the law of nature. And it is not only a right, but in the present case there is a necessity of exercising one’s own right. For example, if it were necessary that such a prisoner die of hunger unless, against the will of his guard, he secretly took the guard’s bread, he has the power for this and the right and necessity of using his body to take and eat the bread. And this is done without harm to another because necessity makes what belonged to the other common property so that it is justly granted to the one who takes it.

Thus I say on the present question that the judge does not have so much right over the body of the condemned person that the condemned man himself does not likewise have this power in terms of his soul. For, as much right as the judge has to detain and to kill him, the condemned man has the same right and more to flee when he can and to preserve his life, and he has even more right because the judge is not compelled by such great necessity to detain and to kill him as the condemned man is compelled on account of a

<sup>9</sup> Gratian, *Decretals* (*Concordia discordantium canonum*) 1.1.1; PL 187: 29.

<sup>10</sup> See Dt 23:24-25.

<sup>11</sup> Gratian, *Decretals* 3.5.26; PL 187: 1863.

<sup>12</sup> Gratian, *Decretals, along with the Glosses* (*Decretum Gratiani, una cum glossis*) 3.5.26 (Venice, 1584, col. 2675).

just fear of death to look out for himself so that he does not lose his life and completeness in the body. For, if he did not look out for this, if he could find the place and time—for example, if he were by chance without chains and the gates were open, and there was no obstacle to running away and to saving his life in this way—he would be a murderer of himself, because he did not look out for himself as he ought to have.

### <Replies to the Arguments>

And in accord with this one should concede the second argument.

To the first argument to the contrary that it is not permissible for a condemned person to take any other possession; hence, it is not permissible to take his own body, it must be said that it is false, because he could take from the judge anything necessary for the preservation of his own life, provided that his taking it did not amount to a detriment to the right that the judge has over his body. For, if, as has been said, a man who is in chains would necessarily have to die of hunger unless he took bread from him, this would be permissible for him, because this in no way amounts to a detriment to the right that the judge has to detain and to kill him. Hence, if the taking away of his body is necessary to his soul for the preservation of his life, and he does this without any prejudice to the power that the judge has over his body, when the condemned man sees that his body is not in chains and that no obstacle remains since the gates are open, it is in such a case permissible to remove his body by using his own right, just as in the other case it would be permissible to take the judge's bread.

In order to understand this, one must know that power or right over some possession can be had in two ways: in one way in terms of ownership of the substance of the thing, in another way in terms of use in some action to be carried out concerning the thing.

The secular judge in no sense has the first power or right over the body of the condemned any more than he has over his soul, but has only the second power or right, which consists in three things, namely, in capturing the body, in chaining or imprisoning it, and in killing it.

But in terms of ownership of the substance of the body, the soul alone has this power under God, and the soul is bound to preserve its right to this without injury to another.

He would preserve this right to the detriment and injury of the judge, if, while his body was in chains or in a locked cell, he burst the chains or the cell in order to run off. On this account he ought to be punished more severely, if it should happen that he is captured, because the judge has by law the power to chain him and to lock him in prison with regard to the action of chaining or locking, and for this reason the condemned man would not break the chains



or the prison walls without injury to the judge. Just as, when the judge is in the act of killing him, it would be an injury to the judge if he fought back by striking him and by preventing him from his action. In fact, he ought patiently to endure the judge's carrying out the act of justice regarding his body, though according to civil laws it would perhaps have been permissible to defend his lifeblood in any way.

If, nonetheless, the judge leaves the condemned man in prison without chains and neglects to lock the prison in which the condemned man is and in this way fails to exercise with regard to him the right that he had, because he neither kills nor detains him, the man can remove his body without any injury to the judge, who has no right to the substance of his body. The situation is the same as this: If someone fences his field, it is not permissible for anyone to pass through the field of that person by breaking the fence, because in that respect this was not permitted him, since it would be detrimental to the right of another who can lawfully fence his field. But if there was no fence, it is permissible to pass through the field in the way we said before. And what is more, if the judge commands him not to leave the prison, provided it is not necessary for him to break the chains or the prison walls or to do something like that in which the judge has a right concerning him, he need not obey the judge on that point, because the judge does not have the power to give this command, because the judge does not have any right over his soul or over his body except to capture him bodily, to detain him bodily in chains or in a cell, or to kill him. Hence, if the judge does none of these things with regard to his condemned man's body, he fails to exercise his right, and the soul of the condemned man can exercise the right over the body that belongs to him without any injury to the judge. For this reason the judge loses his right, because he can recapture him, if he is found in his jurisdiction, and detain and kill him, as before. But if, by not exercising his right, while the soul does what it could and should have, the judge loses his right, and he should credit this to his negligence.

## Quodlibet 10, Question 12

### Whether Friendship Is a Virtue.

With regard to the third point it is argued that friendship is not a virtue, because no virtue is taken away from one person as the result of another's vice. But friendship is taken from a good person if his friend becomes vicious. Therefore, and so on.

On the contrary: A virtue is something whose acts are elicited from a habit. But friendship is such a habit, as is clear in the acts of graced friendship, which are elicited from the habit of charity. Therefore, and so on.

#### <The Resolution>

This question arose on account of the statement of the Philosopher in the beginning of book eight of the *Ethics*: "Friendship is a certain virtue or accompanies virtue,"<sup>13</sup> where on account of the disjunction there is a doubt about which of these should be maintained. Is it a habit of virtue distinct from the habits of the other virtues? Or is it a certain passion or action following upon the habits of the virtues as, for example, a mode of a some sort of love? For the species of friendship are distinguished according to the species of love, as he says in chapter four of the same work.<sup>14</sup>

But since a disjunction that is a matter of art is equivalent to a conjunction, I say in answer to the question that, as a habit, friendship is a virtue separate from the others and is a certain part of justice, but does not exist without some other virtue or other virtues. For it never exists alone; rather, in order that it may exist and come to be, it requires some virtue or virtues as a foundation. For this reason, the fact that the species of friendship are distinguished according to the species of love is not, as the commentator says at this point, due to the fact that love and friendship are the same thing, but due to the fact that they are related,<sup>15</sup> as will now be seen. On this account in the same work in chapter

<sup>13</sup> Aristotle, *Nicomachean Ethics* 8.1.1155a3–4; tr. Grosseteste A, ed. Gauthier, p. 298.

<sup>14</sup> Ibid. 8.5.1157b1–4; tr. Grosseteste A, ed. Gauthier, p. 304.

<sup>15</sup> Aspasius, *Commentary on the Nicomachean Ethics* 8.5, in *The Greek Commentaries on the Nicomachean Ethics of Aristotle*, ed. H. Paul F. Mercken, vols. 3 (Leuven: University Press, 1991), vol. 1, pp. 128–129.

seven, the Philosopher distinguishes between friendship and love. He speaks in this way: "Love is like a passion, but friendship is like a habit."<sup>16</sup> Hence, as he says, "Friends return love by choice, and they want good things for those they love for the sake of those they love, not in accord with a passion, but in accord with habit."<sup>17</sup>

For the clarification of this point one must know that for the production and existence of friendship three factors work together.

First, friendship must have another virtue or other virtues as a foundation. Without that other virtue or those other virtues a true and lasting friendship cannot be produced. On this account it is said in book eight of the *Ethics*, chapter five: "The friendship of good persons who are similar in virtue is perfect. The friendship of these persons, therefore, lasts as long as they are good. But virtue is something lasting."<sup>18</sup> After all, the other two species of friendship, namely, those that are founded upon utility and upon pleasure, are not true friendships. For this reason the Philosopher says in chapter four, "These are friendships in a qualified sense. For those who are loved in that way are not loved in terms of what they are, but in terms of what they provide. The former provide some good; the latter some pleasure. They are, of course, easily destroyed."<sup>19</sup> Hence, Tully says in book one of *On Duties*, "One who sets up the highest good so that it has nothing connected with virtue and measures it by its advantages, not by its goodness, can cultivate neither friendship nor justice."<sup>20</sup> The same man says in book three of *On Friendship*, "Virtue both begets and maintains friendship."<sup>21</sup>

Secondly, friendship must have a disposition in the subject by which a person is rendered suitable so that, in that subject, friendship can be founded upon another virtue. This disposition is called love, and it is a passive disposition, that is, a disposition for generating friendship so that a person is naturally suited by it for the virtue of friendship to be generated in him. Hence, those who do not have such a disposition in, as it were, a certain mean and balance are not fit

<sup>16</sup> Aristotle, *Nicomachean Ethics* 8.5.1157b28-29; tr. Grosseteste A, ed. Gauthier, p. 305.

<sup>17</sup> Ibid. 8.5.1157b30-32; tr. Grosseteste A, ed. Gauthier, p. 302.

<sup>18</sup> Ibid. 8.4.1156b7-8 and 11-12; tr. Grosseteste A, ed. Gauthier, p. 302.

<sup>19</sup> Ibid. 8.3.1156a16-20; tr. Grosseteste A, ed. Gauthier, p. 301.

<sup>20</sup> Cicero, *On Duties (De officiis)* 1.2.5; in *Cicero De officiis*, with an English translation by W. Miller (Cambridge, MA: Harvard University Press, 1956), p. 6. I have at times adapted this translation in order to make it fit the context in Henry.

<sup>21</sup> Cicero, *On Friendship (Laelius: De amicitia)* 6.20; in M. Tullius Cicero, *Cato Maior – Laelius*, ed. K. Simbeck, *De gloria*, ed. O. Plasberg (Stuttgart: Teubner, 1980), p. 53.

for friendship. Examples of such persons are solitary and wild human beings, the stern and ill-tempered, of whom it is said in book six of the *Ethics*: “Those who do not care about anything are called ill-tempered and quarrelsome.”<sup>22</sup> Here another translation says, “There are some who do not take anything to heart and do not care about anything, the ill-tempered and stubborn.”<sup>23</sup> Of these he says in book eight of the *Ethics*, “In the stern and elderly, friendship comes about less to the extent that they are more ill-tempered and take less pleasure in conversations.”<sup>24</sup> For these people are lacking in the disposition we mentioned. But in others it is excessive, as in that person of whom he says in book four of the *Ethics*, “It is not by loving that he accepts individuals in the right way, but insofar as each person exists. For he will likewise do the same thing for those he knows and those he does not know.”<sup>25</sup> Here another translation says, “He accepts those whom he accepts, because his nature is such.”<sup>26</sup>

Third, in order that it may be generated, friendship must have the proper actions by which it is engendered. These are loving and returning love. On this account it is said in book eight of the *Ethics*, “There are three species of friendship equal in number to those who are loved. For in accord with each there is a return of love.”<sup>27</sup> And further on, “Each one then loves and makes an equal return.”<sup>28</sup> And those actions of love by which friendship is generated are found in three degrees.

First, the one in whom the habit of friendship is to be generated loves the good of virtue that he has in himself on its own account and himself on its account.

Second, he loves the same thing in the neighbor and the neighbor on its account. For, as it is said in book nine of the *Ethics*, “Objects of love that have to do with friends and by which friendships are determined are seen to have come from these things that pertain to oneself.”<sup>29</sup> And this is so because each person ought to love himself and what is his own before and rather than what belongs to others, but because the perfection of love does not consist in this, it

<sup>22</sup> Aristotle, *Nicomachean Ethics* 4.13.1126b15-16; tr. Grosseteste A, ed. Gauthier, p. 220.

<sup>23</sup> Ibid.; tr. Herman the German, in *Aristotelis Stagiritae libri, moralem totam philosophiam complectentes cum Averrois Cordubensis in Moralia Nicomachia expositione* (Venice: apud Juntas, 1562; repr. Frankfurt: Minerva, 1962), fol. 59vK.

<sup>24</sup> Ibid. 8.5.1158a1-3; tr. Grosseteste A, ed. Gauthier, p. 306.

<sup>25</sup> Ibid. 4.13.1126b23-26; tr. Grosseteste A, ed. Gauthier, 220.

<sup>26</sup> Ibid.; tr. Herman the German, ed. apud Juntas, fol. 59vM.

<sup>27</sup> Ibid. 8.3.1156a7-8; tr. Grosseteste A, ed. Gauthier, p. 301.

<sup>28</sup> Ibid. 8.5.1157b34-35; tr. Grosseteste A, ed. Gauthier, p. 306.

<sup>29</sup> Ibid. 9.4.1166a1-2; tr. Grosseteste A, ed. Gauthier, p. 328.

is directed in the second place toward the neighbor. Hence, Richard says of the perfect love of charity in chapter three of *On the Trinity*, "No one is properly said to have charity because of the private and personal love of himself. It is necessary, then, that love be directed to another in order that it may be charity."<sup>30</sup> And in chapter four he says, "Love cannot be a source of pleasure unless it is mutual. One person, then, will be giving love, and the other returning love."<sup>31</sup>

Thirdly, he wants the same thing that he loves in the neighbor to be loved by himself and by the neighbor in a third person, and he wants to love together with a third person what he loves in himself and in the neighbor so that love may be perfect in the highest degree, as Richard says in the same book in chapter eleven: "In mutual love nothing is more precious than that you want a third person to be loved equally by the one whom you love most highly and by whom you are loved most highly. In those persons, then, who mutually love each other, love requires someone to share to an equal degree the love shown to each other. Therefore, the perfection of charity requires a trinity of persons."<sup>32</sup> And in chapter fifteen he says, "The perfection of one person demands the addition of a second, and the perfection of the two requires a union with a third."<sup>33</sup> And in chapter nineteen he says, "When one person loves another person alone, it is love, but not a shared love. A shared love is rightly said to exist when the love of two persons is fanned by the fire of a third love."<sup>34</sup>

And for that reason perfect friendship, which is generated by actions of love and affection cannot exist among fewer than three persons. But even if more persons are added, still no new mode is added in the perfection of love. For every love is either love without qualification, which one can have for oneself alone, or it is love in return, which one person can have for another, or it is shared love, which no fewer than two persons can have for a third. And even if there is the love of three persons for a fourth, it is only shared love. And so true friendship exists among three persons. For this reason the philosopher says concerning friendship in book eight of the *Ethics*, chapter six, that "it is likened to an excess" that naturally tends to come about "for one person."<sup>35</sup> He explains this in book nine, when he says in chapter twelve that this "is seen to pertain to friends even for the sake of utility," and then he asks, "But

<sup>30</sup> Richard of Saint Victor, *The Trinity (De trinitate)*; PL 196: 916.

<sup>31</sup> Ibid. 3.15; PL 196: 925.

<sup>32</sup> Ibid. 3.11; PL 196: 922–923.

<sup>33</sup> Ibid. 3.15; PL 196: 925.

<sup>34</sup> Ibid. 3.19; PL 196: 927.

<sup>35</sup> Aristotle, *Nicomachean Ethics* 8.6.1158b12–13; tr. Grosseteste, ed. Gauthier, p. 340. I have changed the chapter number from nine to six.

ought a good person have friends many in number?" And he answers, adding that "there is a certain limit,"<sup>36</sup> where the commentator says, "And such is the number of friends with whom he can live in peace and without disturbance. Those with whom one cannot live in that fashion are more than there should be. ... There will, then, be so many—three, for example. For to have more is perhaps not easy."<sup>37</sup>

Moreover, the action of love in each of the three degrees ought to have three companions, that necessarily follow upon love; they are benevolence, beneficence, and trust: benevolence with regard to the start of building a friendship, beneficence with regard to its progress, and trust with regard to its perfection.

For, when anyone has good will toward his own virtue and toward himself, he desires that it be shared with another and passed on to his neighbor. For, as Tully says in *On Friendship*, "The fruit of intelligence and virtue and of every excellence is attained most of all when it is passed on to one's neighbor."<sup>38</sup> And as Augustine says in book one of *On Christian Doctrine*, chapter three, "Everything that does not run out when it is given is not yet possessed as it should be possessed when it is not given."<sup>39</sup> But through such benevolence there begins to be generated by the action of love the habit of friendship toward one's neighbor, whom one wants to become like himself in virtue and for whom he wills universally all the goods that he himself has. Hence, in speaking of benevolence, the Philosopher says in book nine of the *Ethics*, "It certainly seems that it is the beginning of friendship and that it is not possible for persons to be friends unless they have become benevolent."<sup>40</sup>

And since it is not sufficient for generating the habit of friendship to will the good for one's neighbor, there follows the second action, which is that of beneficence, by which one acts toward one's neighbor so that virtue is shared with him as well as other goods that one would want to be shared with oneself. For this reason it is said in book nine of the *Ethics*, "They describe a friend as willing and acting."<sup>41</sup> And Tully says in *On Friendship*, "This must be done and imitated by all so that, if they have acquired some excellence of virtue,

<sup>36</sup> Ibid. 9.12.1170b20.23–24; tr. Grosseteste A, ed. Gauthier, p. 340. Again I have changed the chapter number from fifteen to twelve.

<sup>37</sup> Michael of Ephesus, *Greek Commentaries on the Nicomachean Ethics* 9.12; ed. Mercken, III, 305 and 306.

<sup>38</sup> Cicero, *On Friendship* 19.70; ed. Simbeck, p. 73.

<sup>39</sup> Augustine, *On Christian Doctrine* (*De doctrina christiana*) 1.1.1; PL 34, 19.

<sup>40</sup> Aristotle, *Nicomachean Ethics* 9.6.1167a3–4 and 7–8; tr. Grosseteste A, ed. Gauthier, p. 331.

<sup>41</sup> Ibid. 9.4.1166a2–3; tr. Grosseteste A; ed. Gauthier, p. 328.

intelligence, and fortune, they impart it and share it with their friends.”<sup>42</sup> In this way they become alike, but friendship demands the likeness of those who love one another, since Tully says in the same work, “Disparate customs follow upon disparate interests, and unlikeness in interests breaks up friendships. For good persons cannot be friends with bad persons, and bad persons cannot be friends with good persons, for no other reason than that there is between them the greatest possible distance in their interests.”<sup>43</sup> For this reason friends ought to make themselves equal, even in goods of fortune insofar as it is possible. For, as the same author says in the same work, “Within the bond of friendship and union those who are superior ought to make themselves equal to those who are inferior.”<sup>44</sup>

But although one practices benevolence and beneficence toward the neighbor so that he conceives a friendship for him, if he does not have trust that the neighbor will in return show him love and friendship, the friendship cannot be perfect and strong. And so, in order that the habit of friendship may be generated perfectly in each, it is necessary that he be trusting about such things regarding the neighbor as he feels about himself toward the neighbor. As Tully says in *On Friendship*, “Trust is the foundation of that stability and constancy that we seek in friendship. For nothing that is untrustworthy is stable.”<sup>45</sup> In order that this trust might be perfectly possessed, the lovers ought to open their hearts to each other. Hence, he says, “Unless you see an open heart and reveal yours, you have found out nothing.”<sup>46</sup> For by this all suspicion of insincerity and contrariety is dispelled, and this is necessary for generating perfect friendship. Hence, he says in the same work, “It is the mark of a good man to maintain these two things in friendship: first, that nothing is feigned or pretended; secondly, it is necessary not merely to reject accusations brought by someone, but also not even to have suspicions.”<sup>47</sup> By these means all controversy is removed from friends. These things are required for true friendship, as the philosopher says in book eight of the *Ethics*, chapter twenty, “Those who are friends on account of virtue are ready to do things for each other. But those who are tending toward this do not make accusations and do not fight.”<sup>48</sup> And since such experience can only be had as the result of many acts, a true friendship is not generated

<sup>42</sup> Cicero, *On Friendship* 19.70; ed. Simbeck, p. 73.

<sup>43</sup> Ibid. 20.74; ed. Simbeck, p. 74.

<sup>44</sup> Ibid. 20.71; ed. Simbeck, p. 73.

<sup>45</sup> Ibid. 18.65; ed. Simbeck, p. 71.

<sup>46</sup> Ibid. 26.97; ed. Simbeck, p. 82.

<sup>47</sup> Ibid. 18.65; ed. Simbeck, p. 71.

<sup>48</sup> Aristotle, *Nicomachean Ethics* 8.13.1162b6-9; tr. Grosseteste A, ed. Gauthier, p. 318.

quickly. As the philosopher says in book eight of the *Ethics*, “It requires time and familiarity. According to the proverb, it is not possible for persons to know each other until they eat salt together, nor is it possible to be accepted as and to be friends before each appears to be and is believed to be lovable to the other. But they are not friends, if they are not lovable and know this. The desire for friendship arises quickly, but friendship itself does not.”<sup>49</sup> Here the commentator says, “It is possible that a good person knows someone after a brief acquaintance, but he will still remain hidden, of course, like someone bringing forth kind words for some purpose.”<sup>50</sup> For friends cannot know each other before they have lived together for enough time for them to eat much salt together, “because it is necessary to live together with each other and in that way to know their mutual benevolence. They will, of course, believe they are benevolent toward each other when they receive experience of this.”<sup>51</sup>

As a result, then, of the exercise of these three, benevolence, beneficence, and trust in the act of loving, there are engendered certain habits that unite the lovers to each other and bring them into as great a unity as possible, as the philosopher says in book nine of the *Ethics*, chapter five, “One is related to a friend as to oneself, for a friend is a second self.”<sup>52</sup> For, as Tully says, “The power of friendship is capable of making one mind out of two.”<sup>53</sup> “What is sweeter than to have someone with whom you dare to say everything as with yourself? What would be the benefit of prosperity if you did not have someone who would rejoice over it just as much as you yourself do? It would be difficult to suffer adversity without someone who would feel it even more than you do.”<sup>54</sup>

On this account friendship brings the actions of all the virtues into play in common. For, as Tully says, “Friendship is nothing but the supreme agreement on all things human and divine along with benevolence and charity,”<sup>55</sup> in which the practice of the other virtues is perfected. These acts of the other virtues exist when they are simply performed, but the acts of friendship exist when they are produced for the common benefit of those who love each other. Thus for this reason no act of virtue can be perfect without friendship. On

<sup>49</sup> Ibid. 8.4.4, 1156b25-32; tr. Grosseteste A, ed. Gauthier, p. 302.

<sup>50</sup> Aspasius, *Greek Commentaries on the Nicomachean Ethics* 8.4; ed. Mercken, III, p. 123.

<sup>51</sup> Ibid.

<sup>52</sup> Aristotle, *Nicomachean Ethics* 9.4.1166a30-32; tr. Grosseteste A, ed. Gauthier, 329.

<sup>53</sup> Cicero, *On Friendship* 25.92; ed. Simbeck, p. 81.

<sup>54</sup> Ibid. 6.22; ed. Simbeck, p. 54.

<sup>55</sup> Ibid. 6.20; ed. Simbeck, p. 53.



this account he immediately adds, "Nor can there be any agreement without friendship."<sup>56</sup> And further on he says, "Friendship, after all, is a help for the virtues given by nature. For, since by itself virtue cannot attain its highest degree, it does so when joined and allied with another virtue,"<sup>57</sup> and this is, of course, the friendship of another.

On this account, with regard to the exercise of its act in relation to the other virtues, it is a certain general virtue and a principal part of general justice,<sup>58</sup> which renders to each person what is his due and fulfills that commandment of nature: Do to another what you want to be done to you, and do not do to another what you do not want to be done to you. On this account Tully says, "They seem to remove the sun from the world who remove friendship from life, for it often protects whole peoples and cares for their interests in the best way."<sup>59</sup> For the philosopher says of the virtue of general justice in book five of the *Ethics*, "Neither the evening star nor the morning star are so wonderful."<sup>60</sup>

Hence, among all the moral virtues it is most conformed to infused charity. It is the crown of all the moral virtues, and it is more perfect to the extent that it is founded upon more and more perfect moral virtues. Friendship is one of their number, as the commentator says on the beginning of book eight of the *Ethics*: "It is necessary to call friendship a virtue, like fortitude, temperance, and each of the moral virtues, for it is concerned with passions and actions, just as the rest are. For there are actions, such as to love, and passions, such as loves."<sup>61</sup>

And it must be noted that habits are different to the extent that they are concerned with actions and to the extent that they are concerned with passions.

<sup>56</sup> Ibid 6.20–21; ed. Simbeck, p. 54. Henry has "ulla pactio" where Cicero wrote "nullo pacto," that is, "In no way would [virtue] exist without friendship."

<sup>57</sup> Ibid. 22.83; ed. Simbeck, p. 77.

<sup>58</sup> General justice is often divided into three species: commutative, distributive, and legal. Commutative justice is concerned with the justice of exchange between citizens; distributive justice is concerned with the state's distribution of benefits and burdens among citizens; and legal justice is concerned with citizens' duties toward the state. See G. P. Klubertanz, *Habits and Virtues: A Philosophical Analysis* (New York: Appleton-Century-Crofts, 1965), pp. 230–234.

<sup>59</sup> Cicero, *On Friendship* 13.47; ed. Simbeck, p. 64.

<sup>60</sup> Aristotle, *Nicomachean Ethics* 5.3.1129b28–29; tr. Grosseteste A, ed. Gauthier, p. 228.

<sup>61</sup> Aspasius, *Greek Commentaries on the Nicomachean Ethics* 8.1; ed. Mercken, III, p. 106.

For insofar as it is a habit concerned with a passion, it is properly called, not friendship, but likeableness, and it is a part of temperance. For in that way, according to the commentator in the same place as above, “It is the mean between fawning behavior and boorishness.” For the boor is below the mean and is not suited for the bond of friendship, but the fawner is excessive, “wanting very much to be liked. But a friend holds to the mean, becoming likeable when necessary, but not so when it is not necessary.”<sup>62</sup> Hence, the philosopher speaks in this way about the mean of friendship in book four of the *Ethics*, chapter thirty-one, “But in conversations and living together and in sharing words and other things, these people seem to be obsequious, praising everything to give delight and opposing nothing, but thinking that they ought to cause no sadness to anyone. But their opposites are contrary in every respect and do not care at all about causing sadness to anyone; they are called ill-tempered and quarrelsome. The praiseworthy mean between these is a person who accepts what is necessary and as it is necessary, but likewise rejects them too. Friendship, however, seems to exist most of all in accord with the middle state.”<sup>63</sup> But nothing concerning this friendship pertains to the present question. For it does not depend more on the foundation of the other virtues than they depend on it.

To the extent, however, that friendship is concerned with actions, it is a part of justice and is properly called the friendship that we are discussing. And then it is necessary to understand differently the excess, the deficiency, and the mean in friendship. For as the commentator says on the beginning of book eight of the *Ethics*: Some indulge in the act of loving to an excess and “in a crazy manner, such as Satyr is said to have done with regard to his father, for he did not want to live once his father was dead.” But others are deficient, incapable of love. A friend, however, uses the intermediate mode in the act of loving. It is, however, necessary to attribute this friendship to justice. “For justice is distributive equality, and friendship renders equality to friends.”<sup>64</sup>

### <Replies to the Arguments>

In accord with these clarifications, then, the second argument must be conceded.

But to the first argument for the opposite view that friendship is not a virtue, because it is destroyed as a result of the vice of another person, one should

<sup>62</sup> Ibid.

<sup>63</sup> Aristotle, *Nicomachean Ethics* 4.13.1126b11–21; tr. Grosseteste A, ed. Gauthier, p. 219.

<sup>64</sup> Aspasius, *Greek Commentaries on the Nicomachean Ethics* 8.1; ed. Mercken, III, pp. 106–107.

say that friendship, both insofar as it is a part of temperance and insofar as it is a part of justice, does not, like the other virtues, consist, in accord with the perfect account of friendship, in a completely non-relative habit in each person. Rather, it consists in a habit, which in terms of its reality is something non-relative, in the character of a relation to a numerically different habit, which is in the friend or beloved on account of the virtue that exists in that person. And this relation is founded upon the essence of that habit in this person and that person. Insofar as, by its name, it denominates the relation that consists in the harmony and agreement of friends, friendship is in that way a certain relation, and it is one between two friends founded upon two non-relative habits in them, just as likeness is one relation founded in them on the two instances of whiteness. But when, by its name, it denominates those two non-relative habits, it is in that way two habits and two numerically different instances of friendship, like the two instances of whiteness. But only insofar as it denominates both of them, does it have the complete meaning of the virtue of friendship. I say, then, that the habit of friendship is destroyed in the person who continues to be good as a result of the vice of the other in terms its character as a relation. In the same way, when likeness is founded upon whiteness, the likeness is removed from one of the two like things as the result of the other's change from white to black. But the habit of friendship is still not removed in terms of its character as a non-relative absolute habit upon which that relation was founded. Through that habit he does not stop loving and showing acts of beneficence toward that other vicious person, no longer as being a friend, but as someone capable of returning to friendship until he has become incorrigible. And then the friend withdraws even from conversation with him and from showing him acts of benevolence, and he is *like a Gentile and a publican* (Mt 18:17) and like an enemy because of his vice, although, as a result of the habit of friendship, the friend still does not stop loving him just as any other stranger. And so, in terms of what is non-relative and real in him, the habit of friendship is lasting without qualification, just as the habits of the other virtues, though it does not have the complete character of friendship except when it has a another person as a friend, as has been said.

## Quodlibet 10, Question 17

### Whether It Is Permissible for the Oppressed To Turn Aside Their Injury by the Power of Princes.

With regard to the second point it is argued as follows that it is not permissible to repel injury by the power of princes. For in Matthew five<sup>65</sup> it says, *If they persecute you in one city, flee to another* (Mt 10:23). It is, then, the teaching of Christ that one should put up with those who cause injury, and those who by the power of princes repel an injury done to themselves do not do that. Hence, they act against the teaching of Christ. Therefore, and so on.

On the contrary, that which is a necessary condition for having peace is permissible. But those who are injured would not have peace in the Church unless injuries were repelled by the power of princes. Therefore, it is permissible to repel them in that way.

#### <The Resolution>

We must say that with regard to the toleration of injuries in one who has suffered an injury, it is possible to consider the mind of the one who has suffered injury in two ways: in relation to the injuries themselves and in relation to the one inflicting the injuries.

In the first relation, the one who has suffered injury ought to have patience in enduring it and ought to have his mind prepared to endure more extensive injuries, if necessary, rather than to seek vengeance by himself, according to the words Matthew five, *If someone strikes you on one cheek, offer him the other as well* (Mt 5:39). That is, let him be ready to offer his cheek in peaceful endurance, if it should be necessary.

But in the second relation, one who has suffered an injury ought, first of all, in a spirit of gentleness forgive from the heart the guilt of the injury, in accord with the words in Matthew six, *Forgive us our debts, as we also forgive*

<sup>65</sup> The critical edition has “V<sup>o</sup>.” Presumably the editor chose to follow the manuscripts instead of what is correct.

our debtors (Mt 6:12). This removes from the mind the desire for vengeance, which one ought in no way to seek through oneself or through another. This, after all, is the act of evil persons. For this reason, in commenting the words on Psalm One Hundred and Eight: *Instead of loving me they have slandered me* (Ps 108:4), Augustine said: “Those who are evil” or “somewhat evil” and “those who are somewhat good have the means to return evil for evil up to the point that the law has given them scope for taking vengeance: *An eye for an eye, a tooth for a tooth* (Dt 19:21). If one can say this, that is the justice of the unjust, not because it is unjust that someone receives in return what he did—otherwise, the law would never have established that—but because the desire for vengeance is sinful, and it pertains more to a judge to decide this between other persons than for a good man to seek it for himself.”<sup>66</sup>

If the guilt of the injury is forgiven and the desire for vengeance is completely banished from the heart, one ought secondly to work for the correction of the one who did the injury, and one ought to seek amends and satisfaction so that the one who did the injury does not become more insolent and so that the justice of equity may be brought about between them. For, as Augustine says in his Letter to Marcellinus—and it is found in Gratian, chapter twenty-three, question five, entitled, “It is worthwhile”: “This is done in a good way only in order that the life of human beings may be corrected.”<sup>67</sup> And the *Gloss* adds, “It does not matter whether it is by words or by money or in some other way.”<sup>68</sup> But such an amend should be sought through an ecclesiastical or secular judge, because, as Pope Leo says in the same place, “Otherwise,” all “possessions could not be safe if the royal or sacerdotal power did not defend them.”<sup>69</sup> Likewise, Augustine says in his Letter to Macedonius, and it is found in the same place, “The power of the king, the right of attorney, the tongs of the executioner, the weapons of the soldier, the discipline of the master, even the severity of a good father were not instituted in vain. All these have their scope, grounds, reasons, and benefits. When they are feared, the evil are held in check, and the good live in peace among the evil.”<sup>70</sup>

But on this point there should first be sought, especially by men of the Church, an ecclesiastical judge and then, if he is unable to correct the one who does injury, a secular judge.

<sup>66</sup> Augustine, *Homilies on Psalms* (*Enarrationes in Psalmos*): On Psalm 108.4; PL 37: 1433).

<sup>67</sup> Augustine, *Letters* 138.2; PL 33: 529–530.

<sup>68</sup> Gratian, *Decretals, along with the Glosses* 2.23.5.4; ed. 1584, p. 1769a.

<sup>69</sup> Leo I, *Letters* 60; PL 54: 873.

<sup>70</sup> Augustine, *Letters* 153.6.16; PL 33: 529–530.

For this reason Isidore says on the same point, "The princes of the world at times hold lofty positions of power acquired within the Church in order that they may defend ecclesiastical discipline by that same power, but such positions of power would not be necessary within the Church if it were not that this power obtains by the fear of discipline what the priests are unable to achieve by the words of teaching."<sup>71</sup>

But if a judge is unavailable so that one cannot obtain through him swift amends, then one must await the judgment of God. In commenting on the words in Psalm One Hundred and Forty-Five: *He will bring judgment for those suffering injury* (Ps 145:7), Augustine says of that judgment, "That is, he will vindicate those who receive injury, and he will punish those who do injury."<sup>72</sup> Nor should the case be further pursued before an earthly judge, for otherwise, as Augustine says in the same place, "The words of the apostle immediately confront you and say to you: *It is already completely wrong that you have court cases with one another. Why do you not rather endure a wrong? Why do you not endure an injury?* (1 Cor 6:7). He rebukes people because they do not endure an injury."<sup>73</sup> When someone has suffered an injury in this way and when the injured person cannot have peace with the one who has injured him, one should at that point use the counsel of Christ: *If they persecute you in one city, flee to another* (Mt 10:23). But if one cannot flee in his body, let him flee in his spirit so that he is not defiled in mind from dwelling together with evil persons. On the words of Psalm Sixty-Seven: *Let not the storm on the water drown me* (Ps 68:16),<sup>74</sup> Augustine says, "This was said to those to whom was it said, *If they persecute you in one place, flee to another* (Mt 10:23), in order that they would not cling there either by the flesh or by the spirit. For one should not desire something so that we cling to it even by the flesh, but we ought to avoid this as much as possible. But if we did cling and have come into the hands of sinners, we have already clung by the body; we have become fixed in the mire of the deep. It remains to pray for the soul in order that we do not cling, that is, that we do not consent."<sup>75</sup>

Thus I say that, if the prescribed order is preserved, it is quite permissible to repel injury by the power of princes, and it would be unjust not to repel it, if it were possible.

<sup>71</sup> Isidore of Seville, *Three Books of Sentences* (*Sententiarum libri tres*) 3.51.4 (PL 83:723); see also Gratian, *Decretals* (*Decretorum canonice Collectanea*) I, 831.

<sup>72</sup> Augustine, *Homilies on the Psalms* 145.15; PL 37: 1894.

<sup>73</sup> Ibid.

<sup>74</sup> The critical edition has "67."

<sup>75</sup> Augustine, *Homilies on the Psalms* 68.1.19; PL 36: 853.

### <Replies to the Arguments>

And in accord with these points the second argument should be conceded.

To the first argument to the contrary: *If they persecute you in one city, flee to another*" (Mt 10:23), one should say in accord with what has already been said that it applies in a case where a suitable judge cannot be obtained for repelling injuries of the oppressed. One ought not, nonetheless, regularly take flight, neglecting to seek amends and the correction of the one who did the injury, if a suitable judge can be obtained for this purpose.

## Quodlibet 12, Question 13

### Whether a Person Who Has No Hope of a Life Hereafter Ought in Accord with Right Reason to Choose to Die for His Country.

There follow some questions that pertained an ordinary human being incidentally, in accord with the state of this life.

The first and only one of these pertained to non-believers, namely, whether a person who has no hope of a life hereafter ought in accord with right reason to choose to die for his country.

But there were many others pertaining to believers.

With regard to the first question it is argued that such a person ought not to choose to die for his country, because no agent ought in accord with right reason to choose that which makes him unhappy. For, according to Augustine, just as “we all” naturally “want to be happy,” so “all of us want not to be unhappy.”<sup>76</sup> But such a person who dies for his country is, as such a person, unhappy, as Augustine says in book thirteen, chapter three of *On the Trinity*. In speaking of the hope of the life to come, he says the following: “Someone who is happy in hope awaits with patience the happiness he does not have. But someone without such hope, without any such reward, is not, no matter what endurance he manifests, truly happy, but bravely unhappy.”<sup>77</sup> Therefore, and so on.

Likewise, one who is without such hope ought to love his own natural life no less than the person who has such a hope ought to love his own spiritual life, the life, that is, by which he lives through grace and charity. For, as this latter has in his spiritual life a true good for himself, so the former person has a true good for himself in his natural life. But one who has such hope ought not in accord with right reason to choose on behalf of his country the death opposed to that life, namely, sin, as Anselm says in the book, *Meditations*, “If

<sup>76</sup> Augustine, *On the Trinity* (*De trinitate*) 13.3.6; PL 42: 1018 and 13.4.7; PL 42: 1019.

<sup>77</sup> Ibid. 13.7.10; PL 42: 1021.



to sin is to bring dishonor to God, a man ought not to do this, even if it were necessary to lose whatever is other than God.”<sup>78</sup> Therefore, and so on.

On the contrary, in accord with right reason the common good ought to be preferred to a private good. Hence, since such life is a private good, but the safety of one’s country is a common good, therefore, one should prefer the common good, and so on.

Likewise, just as the members are related in the body, so different persons are related in the republic, according to the apostle in First Corinthians, chapter twelve.<sup>79</sup> But a member ought to risk its life for the sake of the entire body. Therefore, any person ought to die for his country.

### <The Resolution>

I say that what ought to be done in accord with right reason ought to be done equally among all people and that all who have right reason ought equally to judge that it ought to be done, nor should the judgments of philosophers and of Catholics be different on this point. And someone who has hope for another life should not judge otherwise than someone who does not, nor the other way around. For, just as what is true among certain people is true among all people, and there is not something true in accord with true philosophy that is not true according to theology, nor the other way around, so it is also with what is right or what should be done in accord with right reason. And thus on this question a good theologian ought not to have a different opinion than a good philosopher, nor the other way around. And the situation is very similar with what is false and against right reason. But now it is the case that someone who, in accord with right reason, has the hope of another life ought to judge, in according with right reason, that he should choose to die for the safety of his country, not so much because he hopes that the punishment of death will be undone and recompensed in the reward of the future life as because, in not choosing this, anyone who would not expose his temporal life for his country would sin and offend God. Hence, someone who has no hope of a future life ought to make the same judgment, namely, that he ought, in accord with right reason, to choose to die for his country, and he ought to do this because, in not choosing this, he would sin, even if he did not fear to offend God on account of future punishment, since he does not believe in that.

But in accord with right reason the acts of the virtues are always to be chosen and the acts of the vices are to be avoided, even if one has no hope of another life. On this point a certain philosopher said with regard to flight, “Even if I knew that the gods would forgive me and that human beings would not know

<sup>78</sup> Anselm, *Meditations and Prayers* (*Meditationes et orationes*) 11 (PL 158: 765).

it, I would refuse to sin.”<sup>80</sup> But with regard to the exercise of the virtues Bernard says in the Letter to Guarinus the abbot, “A true virtue knows no limit. . . . a just person never . . . says, ‘It is enough.’ . . . If he lived forever, he would always strive to be more just,”<sup>81</sup> and the reason is that the virtues are in accord with right reason, and a human being, insofar as one is a human being, ought to live in accord with right reason. After all, this is for him to live according to his nature. But the vices are against right reason.

And so I say, therefore, that, in accord with right reason, even someone who has no hope of another life ought to choose to die for his country. But I do not add, “when it is necessary” or, “for the safety of his country,” because someone who would choose to die, even when it was not necessary that he die for the safety of his country, for example, when it could otherwise easily be taken care of, would not choose to die for his country in the proper sense, but for his own foolhardiness. Likewise, if anyone would choose to die, not for the safety of his country, that is, not in defense of its justice and innocence, but for the preservation of the honor and glory and suchlike of his country contrary to justice, he would not be said to choose to die for his country, but rather for boastfulness and covetousness. For such a person is not truly brave, but only seems like a brave person.

The philosopher, however, it seems, calls such persons brave in terms of civic fortitude. Of these he says in the same place, “They seem to endure dangers ... on account of the vituperations” and reproaches “that come from the laws and on account of honors. ... But Homer classifies such men as brave, for example, Diomedes and Hector.”<sup>82</sup> Hence, one ought to avoid, as such, death and other evils of punishment, as Augustine says in book thirteen, chapter seven, of *On the Trinity*, where in speaking of a righteous person he says, “Though out of fortitude he is ready to accept and to endure with a tranquil mind whatever adversity occurs, he prefers, nonetheless, that it not occur and, if he can, he makes it not occur.”<sup>83</sup> I understand here: Unless the avoidance of these would become the cause of something shameful for us. But a vice is called shameful, and that should always be avoided. And, therefore, in avoiding a vice, one should not shrink from death, for it is necessary to suffer all the evils of punishment rather than to consent to the evil of sin. For this reason, where the Philosopher says in book four of the *Ethics*, “For the dead nothing” is “good

<sup>79</sup> See 1 Cor 12:12-30.

<sup>80</sup> The source is unknown.

<sup>81</sup> Bernard of Clairvaux, *Letters* 254; PL 182: 460.

<sup>82</sup> Aristotle, *Nicomachean Ethics* 3.11.1116a18–22; tr. Grosseteste, ed. Gauthier, p. 40.

<sup>83</sup> Augustine, *On The Trinity* 13.7.10; PL 42: 1021.

or evil”<sup>84</sup> — “because,” as the commentator says, “a dead man avoids nothing as evil and desires nothing as good,”<sup>85</sup> Aristotle immediately adds, “But he does not seem to be brave who does not fear any death, but who does not fear the death that is present in the greatest and finest danger,”<sup>86</sup> “or,” as the commentator says, “on behalf of the safety of his fatherland, laws, friends, and freedom.”<sup>87</sup> In these dangers, then, and ones like them is found the fearlessness proper to the brave man. For this reason the Philosopher also adds, “But he will chiefly be said to be brave who is fearless in the face of a good death and whatever inflicts it. Such things, however, are especially those that have to do with war.”<sup>88</sup> And further on he says, “But the brave man is fearless as a man; he will, then, fear the sort of things he ought and as reason will endure them for the sake of the good. For this is the goal of virtue.”<sup>89</sup> In book ten he says, “What is said of the good man is true, namely, that he does many things for the sake of his friends and his fatherland, even if it is necessary to die.”<sup>90</sup> Here in commenting on the word, “all,” the commentator says, “He does not do all things for the sake of a friend; for example, he does not do whatever things bring shame or confusion and do not contribute to the benefit of true honor.”<sup>91</sup> One should, then, in accord with right reason, die for one’s country, even if there were no hope of a future life.

The Philosopher himself undoubtedly thought this regarding a man happy with civic happiness. Speaking of this in book one of the *Ethics*, he says, “We say that the perfect good is self-sufficient not only for one living a solitary life, but also for one’s parents, children, wife, friends, and citizens.”<sup>92</sup> The good of this man consists in doing unwaveringly, according to the perfect virtue, which is prudence, the acts of the moral virtues, which are fortitude, temperance, and justice. It is better and more blessed for him to do one great deed in ac-

<sup>84</sup> Aristotle, *Nicomachean Ethics* 3.9.1115a27; tr. Grosseteste, ed. Gauthier, p. 191.

<sup>85</sup> Anonymous, *Scholia on Books II, III, and IV*, in *The Greek Commentaries on the Nicomachean Ethics of Aristotle* 3.9; ed. Mercken, I, p. 278.

<sup>86</sup> Aristotle, *Nicomachean Ethics* 3.9.1115a28–31; tr. Grosseteste, ed. Gauthier, p. 191.

<sup>87</sup> Anonymous, *Scholia* 3.9; ed. Mercken, I, p. 278.

<sup>88</sup> Aristotle, *Nicomachean Ethics* 3.9.1115a32–35; tr. Grosseteste, ed. Gauthier, p. 191.

<sup>89</sup> Ibid. 3.9.1115a10–13; ed. Gauthier, p. 192.

<sup>90</sup> Ibid. 9.8.1169a18–20; ed. Gauthier, p. 336.

<sup>91</sup> Michael of Ephesus, *Greek Commentaries on the Nicomachean Ethics* 9.8; ed. Mercken, III, pp. 277–278. The commentary has “of a true man (*veri hominis*) where Henry has “of true honor (*veri honoris*).

<sup>92</sup> Aristotle, *Nicomachean Ethics* 1.5.1097b8–11; tr. Grosseteste, ed. Gauthier, p. 150.

cord with virtue in a short time than to spend a long life doing unimportant actions. On this account, therefore, to die for one's country is not only better without qualification because it is better for many, but it is also better for the man himself, in accord with what he says in book ten of the *Ethics*, "Every intellect chooses for itself the best, and a good man obeys his intellect. For he casts aside wealth, honors, and generally goods which involve conflict, procuring for himself the good. He will choose to enjoy great pleasure for a short time rather than to live quietly for a long time and will choose to live well for one year rather than to live a long mediocre life and will choose to do one good and great act rather than many unimportant ones. This is perhaps what happens to those who die. They, of course, choose a great good for themselves."<sup>93</sup>

If the Philosopher thought this about a man happy with civic happiness, namely, that, in accord with right reason, he ought to choose to die for his country, because in doing this he chooses the greater good, as he mentions through the whole work, I ask what he thought about a man happy with contemplative happiness. In book ten he says about such a man, "Such a life is better than a life that is merely human. For he does not live in this way insofar as he is human, but insofar as something divine exists in him."<sup>94</sup> For, if he holds concerning a man who is happy with contemplative happiness that he ought, in accord with right reason, to choose to die for his country, I ask whether he holds this because it is something good for the man himself or because it is something good without qualification, though not for the man himself. It is not because it is good for the man himself, because, when he does this in accord with civic fortitude in the manner of a citizen, he does not get something good for himself from this except in the way in which it was said to be a civic good, namely, that it is better and more blessed to do one great deed in a short time, and so on. And this is not true, because it is in no way possible that one finds as much delight in an action in accord with civic virtue—however great it may be—as in accord with contemplative virtue. For contemplative virtue has marvelous delights, as he says in book ten.<sup>95</sup> It would not, therefore, be good for the man himself because he would fall from a greater and more lasting delight to a lesser and shorter one.

The Philosopher, therefore, either holds that someone happy with contemplative happiness ought not, in accord with right reason, to choose to die for his country because it is better for him, or if he ought, in accord with right reason, to choose this, it would be because it would be better without qualification, although not for the man himself, in accord with the way in which the

<sup>93</sup> Ibid. 9.8.1169a17–26; ed. Gauthier, p. 336.

<sup>94</sup> Ibid. 10.7.1177b26–28; ed. Gauthier, p. 360.

<sup>95</sup> See ibid. 10.7.1177b16–25; ed. Gauthier, p. 360.

Philosopher says that it is better for the citizen. What does the Philosopher hold on this? I believe that the Philosopher did not have the right idea about the happy contemplative or that he thought that the contemplative ought, in accord with right reason, to choose to die because it is better without qualification and also for the man himself. For, even if it is not better for him—either not at all or at that time—in terms of the acquisition of some good, it is still better for him in terms of the avoidance of the evil of sin. In this way, even if it were in no way better for him in terms of the acquisition of a good, the citizen also ought, nonetheless, to choose what is better without qualification and also better for himself in terms of the avoidance of the evil of sin.

I say, then, that each of them, that is, the happy citizen and happy contemplative, is held to this by the law of nature and that each would sin and would live shamefully if he did not choose to die for his country. But it is better to die than to live shamefully. And in this respect it is even better for the man himself. For through such a death he would not acquire a good for himself, but would rather lose all his goods. After all, in accord with what is said about the citizen in book four of the *Ethics*: “The happier person is, the sadder he is in death. It is, after all, especially fitting for such a person to live, and this man especially is deprived of goods and knows it. But this is sad.”<sup>96</sup> And so, though he does not obtain a good, as the Philosopher indicates by the following in the same passage: “But he is not less brave, but is perhaps more brave, because in war he chooses the good at that cost,”<sup>97</sup> he ought, nonetheless, to have chosen it in accord with right reason, because in this way he would escape the shame of vice. For, as is said in the fourth book, “But it was the mark of a brave man to endure things that are terrible for a man on account of what is good or shameful”<sup>98</sup>—not on account of acquiring some good or on account of not incurring some shame, that is, the shamefulfulness of guilt. And thus, according to right reason, one without any hope of another life ought to choose to die for his country, just as one who hopes for that life because of charity, and just as this latter ought in accord with right reason to choose to die for the republic in accord with the manner stated, even if he would by such a death merit nothing that he would receive in another life. On this account, as Tully says in book one of *On Duties*: “Plato wrote splendidly: We were not born for ourselves alone; the fatherland claims part of our origin, and friends claim another part. And, as the Stoics hold, those things that come to be on the earth are all created for the use of human beings. But human beings are begotten for the sake of human beings in order that among them one can

<sup>96</sup> Ibid. 3.12.1117b10–13; ed. Gauthier, p. 43–44.

<sup>97</sup> Ibid. 3.12.1117b13–15; ed. Gauthier, p. 44.

<sup>98</sup> Ibid. 3.11.1117a16–17; ed. Gauthier, p. 42.

benefit another. In this we ought to follow nature as our guide and to place common benefits in the forefront by the exchange of duties.”<sup>99</sup> The same man says in his popular oration to the senate: “I was moved from the beginning so that I would not think that I was born more for my own sake than begotten for the republic. For me nothing will be hard, nothing bitter that safeguards the republic. For not even death that is received for the sake of the republic is unhappy, nor is any exercise shameful that is undertaken with virtue, especially since these penalties contain in themselves some consolation.”<sup>100</sup> As he says in book one of the *Invectives*, “For the fatherland is much dearer to me than my life.”<sup>101</sup> The same man says in book four, “I have been given this disposition that I would endure, not only bravely, but even gladly, all bitterness and all the pains and torments, provided that by my labors the honor and safety of the city and the republic are equally realized. ... I would die with a calm and ready mind. For a shameful death cannot befall a brave man, nor an unhappy death a wise man.”<sup>102</sup> Wise men, therefore, never face death unwillingly, and brave men also often desire it. The Philosopher held that a brave citizen and a wise contemplative ought, according to right reason, to choose to die for his country, even if they attained nothing good, but only the loss of good in accord with the way we have already explained. And so, when he said in book nine that “those who are dying” ought to choose “one great action rather than many small ones,”<sup>103</sup> he added, “They, of course, choose a great good for themselves,”<sup>104</sup> perhaps because, even if that did not happen, one would still choose to die in that way in accord with right reason.

### <Replies to the Arguments>

And in accord with this, the two last arguments introduced for this side should be conceded.

<sup>99</sup> Cicero, *On Duties* 1.7.22; ed. Miller, p. 22.

<sup>100</sup> Pseudo-Cicero, *Address to the People and Knights of the Rome before Going into Exile* (*Ad populum et equites Romanorum antequam iret in exilium*) 8.20, in *M. Tullii Ciceronis Scripta quae manserunt omnia*, ed. R. Klotz (Leipzig: Teubner, 1885), pt. IV, vol. 3, p. 369.

<sup>101</sup> Cicero, *Orations against Catiline* 1.11.27, in *Orationes in L. Catilinam Quattuor*, ed. T. Maslowski (Munich and Leipzig: Saur, 2003), p. 26.

<sup>102</sup> Ibid. 4.1.1 and 4.2.3; ed. Maslowski, pp. 77 and 79.

<sup>103</sup> Aristotle, *Nicomachean Ethics* 9.8.1169a24-25; tr. Grosseteste, ed. Gauthier, p. 336.

<sup>104</sup> Ibid. 10.8.1169a26; ed. Gauthier, p. 336.

But someone might perhaps claim<sup>105</sup> that the Philosopher would not claim that a happy contemplative ought to choose death in the way stated, inasmuch as he is entirely separated from human society, not living like a mortal human being, but like someone divine and immortal, as the Philosopher says in book ten of the *Ethics*.<sup>106</sup> And he might say that for this reason the contemplative is not bound to descend from his contemplative happiness to political action on behalf of the republic. And in making such a claim, he might say to the first argument that it is true that the public good is to be preferred to a private good, provided that the private good is included in the public good and that otherwise it is not, although the public good is to be preferred without qualification when considered in itself, but not, nonetheless, when considered with respect to the person whose private good is not included in the public good.

Similarly, someone might say in support of the second argument that the claim that one member exposes himself to the danger of death for the sake of the preservation of the whole is true when a member does not have his own intellect and cannot have his own personal good separate from the good of the whole. But if a part or member had his own personal intellect and also a good that he could obtain separately, just like the contemplative had, he would never choose to die.

These claims cannot stand. For, although the Philosopher held many things in accord with right reason concerning the means to the end—those things that the Catholic faith holds concerning them—he, nonetheless, was mistaken concerning many points in ordering them to the end and concerning the end itself of human life, just as the other philosophers were. For, as Augustine says, they fashioned for themselves a certain happiness to be attained in the present life, which is the end of the acts of virtue.<sup>107</sup> And in that way they ordered the acts of virtue to another end than the Catholic faith orders them. For the Catholic faith orders them to attaining beatitude in the life to come, and in that way Aristotle was mistaken. If, nonetheless, he held—something that I do not believe—that the happy contemplative was so withdrawn from human society that he was not obligated in anything pertaining to the republic—for this is contrary to the law of nature, as was said, from which he could not be released, unless he claimed that someone in that contemplative happiness was placed beyond the state of sinning, just like the blessed in glory, which is utterly mistaken. Because, then, the contemplative always remains naturally obligated to the republic and is in the state of meriting and demeriting, he is always bound

<sup>105</sup> The critical edition adds “ponendo,” but I have returned to “poneret,” which is found in the Badius text.

<sup>106</sup> See Aristotle, *Nicomachean Ethics* 10.7.1177b27–28.

<sup>107</sup> See Augustine, *The City of God (De civitate Dei)* 19.4.1; PL 41:627.



to choose to die for the republic in accord with the way that was stated. And the reason for this is that, although some private, positive good of his own is not included in that public good, there is, nonetheless, included in it his private and, so to speak, negative good, namely, the avoidance of shamefulness and the evil of sin, as was said. And this is sufficient for the question at hand. And if his private good were not in that way included in the public good, I think that he ought in no way to choose to die in the way stated, just as the saints are not bound to choose this in heaven, because he was in this respect not under obligation to the republic, just as the saints in heaven are not. For, just as the saints are not part of the city of the militant Church and do not share in its public life, so he would not be a part of human society, in accord with what the Philosopher seems to hold in book nine of the *Metaphysics*, where he says that a solitary man is neither good nor bad.<sup>108</sup> There the commentator says that he is not part of the city.<sup>109</sup> But a solitary man was, according to the Philosopher, happy with contemplative happiness.

Similarly, what is said in support of the second argument, namely, that a member who has his own intellect and his personal separate good ought not to choose to die in the way stated unless his good were included in the common good, does not hold. For, although individual members had individual intellects, their many intellects ought to be one in judgment in accord with right reason concerning the choice of that act. For, although, as was said, his private, positive good is not included in that public good, there is, nonetheless, included in it his, so to speak, negative good. And what is more, although his private, positive good is not included in that public good, it still depends on it to the extent that, if he did not choose to die in the way stated, he would lose his own private good through the vice and shame that he would incur. For the good of virtue or of happiness cannot coexist with anyone's vice.

But if, in accord with what has already been stated, it is said that this contemplative is not a part of the city and thus not a member, for which reason he is in no way bound to expose himself to death for the republic and so would not sin by not choosing that, I say that I think that, if it were the case that he was in no way a part of the city, he would by dying lose every good of his own without acquiring any good and without escaping any evil, something that he should in no way choose. In the same way, a living man, whether righteous or a sinner, ought not to choose to commit some sin or to be eternally damned in order that all others might be eternally saved, as the second argument to the contrary part mentions. But this is not the case. For, however much a

<sup>108</sup> See Aristotle, *Nicomachean Ethics* 9.9.1170a5.

<sup>109</sup> See perhaps Michael of Ephesus, *Greek Commentaries on the Nicomachean Ethics* 9.10; ed. Mercken, III, 284.



solitary man is withdrawn from human society, he always needs its solace in some respect, and for this reason he always remains naturally under obligation to it. Hence, even if he is not a part of it with regard to the exercise of many actions that pertain to political life concerning the governance of a home and family and concerning friends and the like, he still remains a part of it with respect to the exercise of an action necessary for the preservation of the safety of the republic. Hence, if the republic needed a solitary man, who was a contemplative philosopher and someone withdrawn from common life, to be the ruler of a kingdom, province, or city, he ought to set aside his contemplation and descend to action and become the ruler of the city and of the republic, as philosophers have previously done, as will be further explained below in the third question from the end.<sup>110</sup>

To the first argument to the contrary that no one ought in accord with right reason to choose to die for the republic because in choosing this he would be unhappy, as Augustine says, I say in accord with what has already been stated that he would be truly unhappy without qualification insofar as he would lose all his goods whatsoever, both natural or acquired, and would in accord with the intention of Augustine, go down to eternal punishments. He would, nonetheless, be more unhappy by not choosing that, because he would incur guilt, and the unhappiness of guilt is greater than that of any punishment, loss, or experience. In accord with right reason, however, one ought to choose that by which he is less unhappy rather than that by which he is more unhappy, and this holds under the condition that it is necessary to incur one of the two, as happens in the present question, although neither of them is to be chosen without qualification.

To the second argument that someone existing without such hope ought not to choose his natural death, just as someone existing in grace ought not to choose spiritual death, I say that, in accord with what has already been stated, there is no parallel. For by that spiritual death he would lose every good of his and incur every evil, that is, of sin and of the punishment to which he would obligate himself. But it is not that way with that man, because by his natural death he would at least escape the evil of sin, which he would incur by not choosing to die. And for this reason this man ought to choose to die natural death, but he should not in any way choose to die spiritual death, as is clear from what has been said.

<sup>110</sup> That is, in Question 29 of this *Quodlibet*.

## Quodlibet 15, Question 16

### Whether a Soldier Hurling Himself Forward into the Army of the Enemy Does an Act of Magnanimity.

With regard to the fourth and last question<sup>111</sup> it is argued that a soldier hurling himself forward into the army of the enemy does not do an act of magnanimity, as follows:

In a case in which someone who flees to save his life acts correctly, one acts wrongly in rushing into the enemy to be killed. But recently when the Saracens, the enemies of the Christians, were laying waste to Acre, those who fled acted correctly in saving their life. Therefore, that soldier who, when the others fled, rushed forward into the army of the Saracens and was killed, acted wrongly. But a wrongful action is not an act of magnanimity, [594v] since magnanimity is a virtue, and as Augustine says, It is not possible to use virtues wrongly or in order to do a wrongful act.<sup>112</sup> Therefore, and so on.

On the contrary, there is what is written in the last chapter of the Canticle, *Love is strong as death* (Sg 8:6). And this is so because a passionate lover scorns death for the beloved in a moment of necessity and exposes himself to it, which is an act of magnanimity. That soldier who hurled himself forward is such a man, laying down his life for his friends in faith and charity, which is an act of the greatest charity and, for this reason, of the greatest virtue in courses of action, and that virtue consists in magnanimity. Therefore, and so on.

#### <The Resolution>

This question touches upon and sets forth as an example the capture, overthrow, and destruction of the city of Acre and of the Christians and inhabitants of

<sup>111</sup> Question Sixteen of Quodlibet Fifteen is the fourth question of those pertaining to human beings in this life.

<sup>112</sup> See Augustine, *Free Choice of the Will* 2.19.50; PL 32: 126.

it.<sup>113</sup> Of these matters our lord, the Pope, makes mention in his exhortatory letter, about which mention was made above concerning indulgences,<sup>114</sup> where he says, "The city of Acre was surrounded for forty-four days by the tightest siege of the Babylonian power, harassed night and day by terrible machines of war and made to share frequent and very harsh insults. After the walls were penetrated and undermined by hidden subterranean passages, the city fell on the forty-fourth day to the forces of the besiegers, by the marvelous and awesome permission of God. It was captured by them and set afire, with countless Christians who lived in it slaughtered and with others who could not find safety in vessels of the sea led off into captivity. These events are said to have occurred in the year of the Lord 1291, on the tenth day of the month of May."

In that city, as I judge, there were gathered not only ordinary people, but prelates and princes. Hence, by raising the question to a slightly higher level, let us examine the waging of wars a little more deeply than the question proposed, by agreeing, first of all, with Tully in book one of *On Duties*, where he says, "In the republic especially, the laws of war must be preserved. For there are two kinds of conflict: one by words, the other by force, and although the former is proper to human beings and the latter to animals, we must have recourse to the latter if it is not permitted to use the former. Thus someone who can retain something to which he has a right and which he already possesses or someone who can recover such a thing that he lost or did not yet have is not permitted to wage war for it. Hence," as the same author immediately continues, "wars are, of course, to be undertaken for the following reason: in order that one may live in peace without injustice."<sup>115</sup> And as Augustine says in his Letter to Count Boniface: War ought to be a matter of necessity "in order that God might set one free from necessity and preserve the peace. For peace is not sought in order that war might be waged, but war is waged in order that peace might be attained. Be, therefore, a man of peace in waging war in order that you may by conquest bring those whom you defeat to the benefit of peace. Thus necessity, not desire will crush the enemy who are fighting. Just as violence is used against those waging war and resisting, so mercy is now owed to the captives, especially when a disturbance of the peace is not feared."<sup>116</sup> Tully

<sup>113</sup> On 10 May 1291 the sultan of Egypt, Kalaoun, captured and destroyed Saint John of Acre, the principal bastion of the Frankish rule in the Near East. As a result Pope Nicholas IV called for a crusade. See R. Macken, "Henry of Ghent as Defender of Human Heroism," *Medievalia: Textos e Estudios* 3 (1993): 25–45, here 28.

<sup>114</sup> Henry mentions Pope Nicolas's letter in Question Fourteen, which is on indulgences; see the Badius text in fols. 589r–593v.

<sup>115</sup> Cicero, *On Duties* 1.11.34; ed. Miller, p. 36.

<sup>116</sup> Augustine, *Letters* 189.6; PL 33: 856.

immediately says this in other words, in the same place as above: “But once victory has been attained, those who were neither bloodthirsty nor barbarous should be spared. ... My opinion is that one should always aim at a peace that will involve no treachery. ... Then, those who lay down their arms and have recourse to the trustworthiness of the generals should be accepted, even though their battering ram slammed against the wall. ... From this,” as Tully says after a few other interspersed remarks, “it can be understood that no war is just unless it is waged after having demanded satisfaction or after a warning has been given and the war has been declared.”<sup>117</sup> On this Isidore says in the *Etymologies*, that a war is just that is waged after a declaration for the recovering of possessions or for the sake of repelling enemies.<sup>117a</sup> And Augustine says in the book of *Questions*, “Just wars are usually defined as those that redress injuries. Thus one has to look for a people or a city that has either neglected to punish a wrong that its people wickedly committed or to restore what was taken through injustices.”<sup>118</sup> “But,” as Augustine says against the Manichees, “the desire for doing injury, cruelty in avenging, a mind neither appeased nor able to be appeased, fierceness in fighting, the lust for domineering, and anything like this—these are the things that are rightly blamed in wars.”<sup>119</sup> And as follows after a bit in the same work, “The order naturally suited to the peace of mortals demands this, namely, that the authority and advice for undertaking a war should lie in the hands of rulers.”<sup>120</sup> But, as Tully says, in the same work as above in the chapter on fortitude, “But if that exultation of the spirit that is seen in times of danger and toil is void of justice and does not fight for the common well-being, but for personal advantages, it is a vice. For not only does it not have the mark of a virtue, but it has the character of a barbarity that repels everything human.”<sup>121</sup>

But to get down to the question at hand, we must draw a distinction with regard to a just war, because it is waged either to recover goods that were unjustly taken, about which there is no question at present, or to repel an injustice by which enemies try through war to take away goods, such as life, the fatherland, freedom, laws, and other goods, or spiritual ones. For the Saracens waged this sort of a war against the people of Acre, in which the soldier died,

<sup>117</sup> Cicero, *On Duties* 1.11.35–36; ed. Miller, pp. 36–38.

<sup>117a</sup> See Isidore, *Etymologies (Etymologiae)* 18.1.2; PL 82: 639.

<sup>118</sup> Augustine, *Questions on the Heptateuch (Quaestiones in Heptateuchum)* 6.10; PL 34: 781.

<sup>119</sup> Augustine, *Answer to Faustus the Manichee (Contra Faustum Manichaeum)* 22.74; PL 42: 447.

<sup>120</sup> Ibid. 22.75; PL 42: 448.

<sup>121</sup> Cicero, *On Duties* 1.19.62; ed. Miller, p. 64.

about whom our question was raised, namely, whether by rushing headlong into the Saracens, he did an act of magnanimity.

And I say that magnanimity is a part of fortitude and a virtue that is concerned with great and difficult actions, as the Philosopher says in book four of the *Ethics*: “Magnanimity seems to be concerned with great things from its very name.”<sup>122</sup> But not every great act that by its kind pertains to fortitude is an act of magnanimity unless it comes from the habit of a virtue, not from some presumption or desire. For magnanimity is a kind of fortitude, and otherwise fortitude is not a virtue, as is evident from what has been said.

Hence, Tully immediately adds after the statements that came just before, where he says, “Thus fortitude was correctly defined by the Stoics since they say that it is a virtue that fights on behalf of justice. Hence, no one who has attained the glory of fortitude has won praise by treachery and cunning. For nothing that lacks justice can be morally right. The statement of Plato was a fine one: ‘Not only,’ he says, ‘should knowledge that is divorced from justice be called shrewdness rather than wisdom, but a spirit ready for danger bears the name of audacity rather than fortitude, if it is driven by desire, not by the common utility.’ And so, we want brave and magnanimous men also to be good men and lovers of simple virtue and in no way deceitful; such things come from the very heart of justice.”<sup>123</sup> And further on he says, “A spirit that is entirely brave and great is most of all seen to have two characteristics. [595r] One of these lies in an indifference about external circumstances; the other is that one should do deeds that are great and most useful, arduous, and filled with toil and dangers.”<sup>124</sup>

Therefore, the action of our soldier was arduous, great, and terrifying, because it had to do with death, the sort of thing with which fortitude is concerned, as the Philosopher says in book three of the *Ethics*, “The brave man, therefore, has to do with such terrifying things or with the greatest of them. But death is the most terrifying, for it is the end.”<sup>125</sup> It still it does not follow from this that it is an act of fortitude or of magnanimity or of any virtue, if he perhaps attacked out of presumption or out of ambition for glory or some other desire or perhaps rashly and inconsiderately. The present question seems

<sup>122</sup> Aristotle, *Nicomachean Ethics* 4.3.1223a33–34; tr. Grosseteste, ed. Gauthier, p. 211.

<sup>123</sup> Cicero, *On Duties* 1.19.62; ed. Miller, p. 64. For the quotation from Plato, see *Laches* 197b and 182e, as well as *Menexenus* 246e.

<sup>124</sup> *Ibid.* 1.20.66; ed. Miller, p. 68.

<sup>125</sup> Aristotle, *Nicomachean Ethics* 3.6.1115a24–27; tr. Grosseteste, ed. Gauthier, p. 191.

to imply this, insofar as it says that the soldier hurled himself forward. For, if that was the case, it was not an act of virtue and thus neither one of fortitude nor of magnanimity. Hence, concerning the manner of undertaking acts of magnanimity, Tully says after the previous statements, "A man who is about to do the act should beware of considering only how it is something honorable, but should also be sure that he has the ability to succeed. In this very act he must take care not rashly to give up hope on account of discouragement or to be overconfident on account of ambition."<sup>126</sup> And further on he says, "That honorable deed that we are looking for from a lofty and magnificent mind is entirely the work of the powers of the mind, not of the body. Still the body must be used and thus trained so that it can obey counsel and reason in carrying out tasks and in enduring labors."<sup>127</sup> And further on he says, "Hence, reasonableness in judgment is to be sought more than fortitude in fighting, but we must be careful not to take that course in flight from war rather than by reason of utility. It is the mark of a brave and resolute spirit not to be thrown into confusion in difficult situations or to be overwrought and, as is said, to be knocked one's his feet, but to keep one's presence of mind and not to deviate from the path of reason. ... and not to act in such a way that he has to to say: 'I did not think.' These are the actions of a great and lofty spirit and one confident of its prudence and wisdom. But rashly to enter the line of battle and to fight hand to hand with the enemy is something barbarous and beastly. But when a time of necessity demands it, one must fight hand to hand, and death should be preferred to slavery and shame. ... But we must avoid exposing ourselves to dangers without cause, for nothing can be more foolish than that."<sup>128</sup> That is what Tully says. On this Vegetius says in book three, the last chapter, of the *Military Art*, "Good leaders never do battle in a public conflict except because of a surprise attack or grave necessity."<sup>129</sup>

If our soldier, then, was not confident of the help of his fellow soldiers and did not think that they were ready to proceed to war along with him, but still rushed into the enemy alone, hurling himself forward, he exposed himself to death without any reasonable cause, since he ought to know that he could do no good on his own, and thus he did not do the act of a magnanimous man, but the act of a fool. But from the fact that he rushed ahead alone into the

<sup>126</sup> Cicero, *On Duties* 1.21.73; ed. Miller, p. 74.

<sup>127</sup> Ibid. 1.23.79; ed. Miller, p. 80.

<sup>128</sup> Ibid. 1.23.80–83; ed. Miller, p. 80–82.

<sup>129</sup> Vegetius, *Epistome of Military Science* (*Epitome rei militaris*) 3.26.31; ed. A. Önnersfors (Stuttgart and Leipzig: Teubner, 1995), p. 192. The book and chapter numbers of Vegetius' work in Henry's text often differ from those in the Teubner text.

enemy and exposed himself to the danger of death, it cannot be concluded with certitude that he did not do the act of a magnanimous man because, as is said, the Saracens entered the city of Acre suddenly before dawn, and the Christians did not at that point have time for more deliberation, but only for immediately practicing virtue, which, according to the Philosopher in book two of the *Ethics*, is proved especially in sudden actions.<sup>130</sup>

Our soldier, therefore, who, as I have heard said, was supposed to be the leader of the others in war, would have attacked as soon as possible, since he was perhaps keeping guard, armed along with the others and ready for war. As soon as the uproar was heard and the Saracens were running through the streets, he leapt up, and thinking that his fellow soldiers would follow him, he burst in alone upon the enemies, heeding the words of Vegetius in *Military Strategy*, book three, chapter eight, "But lest the sudden uproar do more harm, the soldiers must be warned to be completely prepared, to have their weapons in hand. For in a crisis sudden terrifying events that have been foreseen do not usually cause fear."<sup>131</sup> And in chapter six he says, "There are many things to be said to and to be observed by the warriors since there is no excuse for negligence when the fight is for survival."<sup>132</sup> And in book one, chapter fourteen, he says, "In other affairs, as Cato says, if a mistake is made, it can be corrected later. Mistakes in battles do not allow for correction since the penalty immediately follows upon the error."<sup>133</sup> And in book four, chapter thirty-nine he says, "For, just as caution protects the provident, so laziness destroys the negligent."<sup>134</sup>

But if it was the case that time and necessity at that point demanded that a soldier fight hand to hand, prefer death to slavery and shame, and flee from such evil, which is what I really think happened, I, therefore, firmly believe and state that the act of our soldier was an act of magnanimity. For from the habit of magnanimity he suddenly chose a supremely arduous act, namely, to die honorably for the faith and the city rather than to live dishonorably by fleeing and to submit to the yoke of the Saracens, if an uncertain flight did not come to his rescue. If the other citizens and fellow soldiers acted in this way and were men like him, I believe that they would undoubtedly have obtained victory by the help of God and that the city would be standing. For, as it is said in book one of Maccabees, chapter three: *It is an easy matter for many to be caught in the hand of a few, and there is no difference in the sight of the God of heaven between*

<sup>130</sup> See Aristotle, *Nicomachean Ethics* 3.61117a17-21.

<sup>131</sup> Vegetius, *Epitome* 3.6.16-17; ed. Önnersfors, p. 120.

<sup>132</sup> Ibid. 3.5.1; ed. Önnersfors, p. 113.

<sup>133</sup> Ibid. 1.13.6-8; ed. Önnersfors, p. 28.

<sup>134</sup> Ibid. 4.38.3; ed. Önnersfors, p. 242.

*delivering by means of a great many or of a small number. For victory in of war does not come from the multitude of the army, but strength comes from heaven* (1 Mc 3:18-19). And as Vegetius says at the same place as above in book three, chapter twenty-two, "Victory is wont" always "to be produced by a few" and especially through men of virtue.<sup>135</sup> For, as he says in the same work in book one, chapter ten, "In every conflict a multitude is not as beneficial as virtue."<sup>136</sup> And in book four, chapter thirty-two, he says, In matters of war speed "usually does more good than virtue."<sup>137</sup> And in book three, chapter thirty-nine, he says, "Greater security necessarily involves a more serious crisis, which usually results when it comes upon those unprepared and suspecting nothing. In this case neither virtue nor great numbers can help those attacked."<sup>138</sup>

Hence, the citizen of Acre, as I believe, would have obtained victory if they had fought according to all their ability and, having trusted in the Lord, unanimously said, each of them to the others, what Judas said immediately after the previous statements in book one, chapter three of Maccabees, *They come to us in a great number and in pride [595v] to destroy us and our wives and our children and to plunder us. But we will fight for our lives and for our laws, and the Lord himself will strike terror into them before our faces. You, however, shall not fear them* (1 Mc 3: 20–21). Thus they can, as I think, confidently say that this soldier of ours did an act of magnanimity and of virtue, and by his action he correctly understood the words of the Psalm: *Precious in the sight of the Lord is the death of this holy ones* (Ps 115:15). And he spoke the words of Tully in his popular oration to the knights of Rome: "For me nothing will be hard, nothing bitter that safeguards the republic. For I do not yield to them in defeat ... nor, I believe, should even death that is received for the sake of the republic be pitied, nor is any exile shameful that is undertaken with virtue, especially since these penalties hold in themselves some consolation. For, if they snatch life away, they do not take away glory. If they punish the mortal body by exile, they will not remove the spirit from the republic."<sup>139</sup> The same man says in book one of *On Duties*, "Our one fatherland encompasses all the loves of all of us, and for it what good man would hesitate to meet death if it would benefit it?"<sup>140</sup>—as if he would say, "No one."

<sup>135</sup> Vegetius, *Epitome* 3.20.28; ed. Önnersfors, p. 171.

<sup>136</sup> Ibid. 1.8.5; ed. Önnersfors, p. 19.

<sup>137</sup> Ibid. 3.26.6; ed. Önnersfors, p. 188. Vegetius has '*occasio*: surprise' rather than '*celeritas*: speed.'

<sup>138</sup> Ibid. 3.22.10–13; ed. Önnersfors, pp. 175–176.

<sup>139</sup> Pseudo-Cicero, *Address to the People and Knights of Rome* 9.21–22; ed. R. Klotz pp. 369–370.

<sup>140</sup> Cicero, *On Duties* 1.17.58; ed. Miller, p. 60.



### <Replies to the Arguments>

From what has been said it is clear that the second argument should be conceded.

To the first argument, which is to the contrary, namely, that the stated act of our soldier was not an act of magnanimity because someone who fled from the war in which he died acted correctly, I say that at this point it is necessary to take up a more difficult question, namely, whether it is permissible to flee from a war that has been brought against the fatherland or the laws of the fatherland by enemies of the law and faith of Christians. And I judge in this matter the same thing concerning the flight of greater or lesser prelates and of higher and lower rulers as concerning the flight of simple clerics. And I also make the same judgment concerning the flight of simple lay people, because, just as prelates are bound to minister to the people in spiritual matters to foster and preserve their spiritual life, so rulers are bound to minister to the people to foster and preserve their temporal life. Hence, from the public sources rulers have provided for the people in temporal matters necessary for their use, and they ought not to abandon them in the danger of war by fleeing, except in accord with the following manner to be explained chiefly concerning the flight of prelates, although prelates are obliged not to abandon the people by the penalty of a greater crime, to the extent that in spiritual matters the ministry of prelates is more necessary to the people in the danger of war than the ministry of rulers in temporal matters.

For concerning the duty of princes in opposing the adversaries of the Church Augustine says the following in *On John*: "The Christian authorities move against those who attack and detest the Church. If they did not move, how would they render to the Lord an account of their rule? For this also pertains to Christian kings of the world, namely, that in their times they desire to have at peace their mother, the Church, from which they were spiritually born."<sup>141</sup> He likewise writes to Count Boniface, "How do the kings serve the Lord in fear if not by forbidding and punishing with a religious severity those actions that are against the commandments of the Lord? For a king serves God in one way because he is a man and in another way because he is king. Because he is a man, he serves God by living faithfully. Because he is a king, he serves him by punishing with appropriate rigor."<sup>142</sup> So too, Isidore in question twenty-three, chapter five, "Rulers," says the following: "There would not be secular

<sup>141</sup> Augustine, *Homilies on the Gospel of John* (*In Joannis evangelium tractatus*) 9.14; PL 35: 1483.

<sup>142</sup> Augustine, *Letters* 185.5.19; PL 33: 801.

authorities within the Church if it were not that what priests cannot succeed in doing by the words of teaching, civil power obtains by the terror of discipline. ... Secular rulers know that they will render an account of their duty to God on account of the Church, which they undertake to defend for Christ. For whether the peace and discipline of the Church is increased or destroyed by believing rulers, he who hands over his Church to their power will demand an account from them.”<sup>143</sup> Hence, they can also be compelled by prelates to defend the Church, as he says in the same work, where this is said: “Besides, the necessity of defending the church is incumbent upon the administrations of secular rulers. And if they refuse to do so, they should be driven from communion.”<sup>144</sup>

If, then, it is asked concerning what is put in the argument, namely, whether it is permissible to flee from a war, especially because infidels are attacking the Church, as in our proposed topic, I think that a threefold distinction must be made. For (a) such a war is either only threatening, and there is fear that it will come, or (b) it is already present, and the believing people has already been trapped by the enemy, or (c) it is on the wane with the adversaries having won the victory.

If (a) the war is threatening, I make a further distinction with three parts. For either (i) all can flee and have no reasonable hope of victory if they remain, or (ii) they cannot flee, and some of them ought not to be without reasonable hope, or (iii) some of them have hope, and others have no hope or cannot flee.

If the first (i) is the case, then all of them together, just as each of them, whose death the enemy is seeking, are bound to flee and not to expose themselves to danger.

If the second (ii) is the case, then no one ought to flee, but all ought with one heart to stand up to the enemy for their fatherland and republic. For, as Vegetius says in the above mentioned work, book three, chapter twenty-four, “Someone who withdraws from the battle line before making contact diminishes confidence in his own people and adds boldness to the enemy,”<sup>145</sup> and along with this he is shown to love himself and his own life more than the republic, something that should not be. For Tully says in his popular oration to the senate, “I was from the beginning disposed so that I did not think that I was born so much for my own sake as begotten for the republic.”<sup>146</sup> And the

<sup>143</sup> Isidore of Seville, *Sentences* (*Sententiarum libri tres*) 3.51.4–5; PL 83: 723.

<sup>144</sup> Gratian, *Decretals* 2.23.10; PL 187: 1225. Despite Henry’s claim it does not seem to be from Isidore’s work.

<sup>145</sup> Vegetius, *Epitome* 3.22.2–3; ed. Önnersfors, p. 173.

<sup>146</sup> Pseudo-Cicero, *Address to the Knights and People* 20; ed. Klotz, p. 369.

same man says at the end of book one of his *Invectives*, “The fatherland is dearer to me than my own life.”<sup>147</sup> On this account anyone ought, especially in this situation, to expose his life to the danger of death for the defense of the fatherland, as the same man says in book four of the *Invectives*, that is, in the fourth oration against Catiline: “If something should happen, I will die with a calm and ready mind. For death cannot be shameful for a brave man, nor premature for a consul, nor unhappy for a wise man.”<sup>148</sup> And below in it he says, “Therefore, wise men never endure it unwillingly; brave men also often willingly seek it.”<sup>149</sup>

In such a case no one is permitted to flee except women, children, and invalid men, as Vegetius says in the same work as above in book four, chapter nine, “The frail age and sex is frequently excluded by reason of necessity,”<sup>150</sup> or they are persuaded by others who intend to preserve them for the greater utility of the city. And concerning the prophet David, who withdrew from war that was threatening, Augustine says concerning these matters in the Letter to Honoratus, in which he treats at length of the flight of prelates: [596r] “Holy David accepted this because his people asked it, for fear that he might expose himself to the dangers of battle and that *the light of Israel*, as scripture said, *might be extinguished* (2 Sm 21:17), but he himself did not presume to do this.”<sup>151</sup> Otherwise, cowardice would have produced many imitators who would believe that he did this, not out of consideration for the benefit to others, but out of his own emotion of fear.

In the third (iii) is the case, if all can flee and if the greater or wiser part has no hope and judges that those who have hope should flee, then, although they could flee with the others, for it is permissible for all to flee, those who have hope are not bound to flee with the others. In fact, if they want to persist and stand up to the enemy, they are permitted to do so, and then the others are bound to stand with them against the enemy and be ready either to defeat the enemy along with the others or to die together with them. Or if there are some among them who are bound to minister to them spiritually, they cannot flee, as Augustine says in the same Letter to Honoratus a little after the beginning: “When all,” that is, the bishops, clerics, and lay people, “face a common peril,

<sup>147</sup> Cicero, *Orations against Catiline* 1.11.27; ed. T. Maslowski, p. 26.

<sup>148</sup> Ibid. 4.2.3; ed. Maslowski, p. 78.

<sup>149</sup> Ibid. 4.4.7; ed. Maslowski, p. 81.

<sup>150</sup> Vegetius, *Epitome* 4.7.10; ed. Önnersfors, p. 206. Henry shortens and radically changes the sense of the passage from Vegetius who says that “the frail age and sex was frequently excluded from the gates on account of the shortage of food lest neediness overtake the men in arms who were guarding the walls.”

<sup>151</sup> Augustine, *Letters* 288.10; PL 33: 1017.

those who need others should not be abandoned by those whom they need.”<sup>152</sup> And so, either all should move to fortified places, or those who must remain are not to be left behind by those who ought to take care of their needs in the Church, so that they either equally survive or equally suffer what the Father wants them to suffer. But those who are hopeful of victory and want to face the enemy need the others in the temporal necessity of fighting, although they could flee with the others, but do not want to, and for this reason the strong who are able to fight ought not to abandon them, but fight along with them. Those, however, who need to remain because they are unable to flee because of some reasons, need the others, and in an ecclesiastical necessity the men of the Church, who ought to provide for their needs, ought not to abandon them, as will be explained more fully below. And in that way they will either equally survive or equally die, and they will do so if divine charity remains in those who could flee elsewhere and wanted to.

In this case those words in the first canonical Letter of John, chapter three, have their place, If Christ *laid down his life for us, we also ought to lay down our lives for our brothers* (1 Jn 3:16). For the law of nature first dictates this, as Tully says in book one of *On Duties*, “As was splendidly written by Plato, ‘We are not born only for ourselves, and the fatherland claims for itself part of our birth, and friends claim another part.’ And as the Stoics say, ‘Everything that is born on the earth is created for the use of human beings, but human beings are begotten for the sake of human beings, so that they can benefit one another. In this we ought to follow nature as our guide.’”<sup>153</sup>

Augustine, secondly, explicitly testifies to this in the previously mentioned letter, where he says, “Whether some suffer more, and others suffer less, or all suffer equally, it is clear who of them are the ones who suffer for others, namely, those who, though they could tear themselves away from such evils by fleeing, preferred to remain so that they would not abandon the needs of others. In this way especially is proven that love that John the apostle commends when he says, *As Christ laid down his life for us, so we too ought to lay down our lives for our brothers and sisters* (1 Jn 3:16). For, if those who flee or those who cannot flee because they are bound by their various needs are caught and suffer, they, of course, suffer for themselves, not for their brothers and sisters. But those who suffer because they refused to abandon their brothers and sisters who needed them for their salvation as Christians, undoubtedly lay down their lives for their brothers and sisters.”<sup>154</sup>

<sup>152</sup> Ibid. 228.2: PL 33: 1014.

<sup>153</sup> Cicero, *On Duties* 1.7.22; ed. Miller, p. 22, with Plato *Letters* 9.358a.

<sup>154</sup> Augustine, *Letters* 228.3; PL 33: 1014.

But (b) if the war is already present and has trapped the people and the enemy are making an attack, especially inside the city walls, as in the case of our question, I say that then no one may flee, but all those strong enough to flee ought to rush into the war and to attack the enemy in various ways in accord with their ability rather than to commit themselves to an uncertain flight. Many of the population of Acre did this when war was present, and they drowned in the harbor, as is said. For in such a war the enemy fight with greater peril than the citizens, as Vegetius says in the same work as above, book four, chapter 13, "When an attack by force is prepared against strongholds or cities, the difficult battles are waged with mutual peril for both parties, but with greater bloodshed on the part of the attackers."<sup>155</sup> And he explains why this is the case, stating the way in which those under attack in the city should defend themselves, saying in chapter fifteen, "It is shown by countless examples that the enemy who invaded a city were slaughtered. And this undoubtedly happens if the townspeople hold the walls and towers or occupy the higher ground. For then people of every age and sex hit the invaders from windows and roofs with rocks and other kinds of projectiles. . . . One help for the townspeople, whether the enemy enters by day or by night, is that they hold the walls and towers and take to the higher ground, fighting the enemy through the streets and squares, wherever they attack."<sup>156</sup>

In this way, when Aeneas withdrew to defeat the peoples on the outside, he instructed the city to be fortified within by the Teucrians against Turnus. Hence, Virgil describes in book eleven of the *Aeneid* the shouts and the defense of the citizens when Turnus came with this army:

Quickly bring the sword; hand us arms;  
Up on walls! The enemy is upon us.  
Hear the shouting as the Teucrians cram  
Into all the gates and mount all the walls. . . .  
For Aeneas, peerless in arms, ordered them,  
As he withdrew, if some fortune should intervene,  
Not to venture to form up a battle line  
Nor to commit themselves to the field,  
But only to kept the camp and walls safe  
With a rampart. Thus, although shame and anger  
Pointed toward hand-to-hand combat,  
They only block the gates and follow his orders,  
Awaiting the enemy, armed in their hollow towers.

<sup>155</sup> Vegetius, *Epitome* 4.12.260; ed. Önnersfors, p. 211.

<sup>156</sup> Ibid. 4.25.1–6; ed. Önnersfors, pp. 227–228.

When Turnus rushes ahead of the slow-moving column,  
With twenty hand-picked horsemen  
And suddenly stands before the city,"<sup>157</sup> and so on.

And in such an attack the zeal for self-defense ought to increase in all the citizens. Hence, in the same work as above, Vegetius says, "The need for courage is a certain desperateness of this situation,"<sup>158</sup> and as he says in book three, chapter ten, "Boldness increases for the desperate."<sup>159</sup> And in chapter twenty-three he says, "Because of desperation boldness increases for those who have been trapped, and when there is no hope, fortitude takes up arms. A man willingly desires to die when he knows that he is going to die. ... But although the trapped are few in number and weak in strength, they are for this very reason equal to the enemy, because in desperation they know that they may do [596v] nothing else, but 'there is one path of safety for the defeated: to hope for no safety.'"<sup>160</sup>

Hence, if the people of Acre had mutually helped one another, not only the men, but also the women helping the men, I think, as I said, the people of Acre would have obtained the victory, just as the Roman matrons helped in the siege of the city, which was delivered by their help, as Vegetius says, in the same work as above, book four, chapter ten, "Catapults and other machines for hurling missiles can do nothing unless outfitted with ropes and thongs. Hairs from horses's tails and manes are said to be useful. But it has shown from necessity that the hair of women has no less strength. For in the siege of the Capitol, when the machines were rendered useless by constant and long wear because the supply of thongs had given out, the matrons cut off their hair and offered it to the warriors, and once the machines were repaired, they repelled the attack. For those most modest ladies preferred to live with their husbands in freedom, although their heads were ugly for a time, than to be slaves to the enemies with their full beauty."<sup>161</sup>

But c) if the war is over and the enemy are the victors and the citizens cease to defend themselves, I say that in that case everyone may flee, except the prelates who are in matters of the Church are bound to serve those who cannot flee, according to Augustine in the Letter to Quodvultdeus, from which he repeated his statement in the previously mentioned Letter to Honoratus: "I

<sup>157</sup> Virgil, *Aeneid* 11.37–48.

<sup>158</sup> Vegetius, *Epitome* 4.25.5; ed. Önnersfors, p. 228.

<sup>159</sup> Ibid. 3.9.13; ed. Önnersfors, p. 136.

<sup>160</sup> Ibid. 3.21.2–3 and 6; ed. Önnersfors, pp. 172–173, with Virgil, *Aeneid* 2.354.

<sup>161</sup> Ibid. 4.9.2–4; ed. Önnersfors, pp. 208–209.

said that those who wanted to move to fortified places should not be prevented if they can, but that we must not break the bonds of our ministry, by which the love of Christ has bound us not to abandon the churches of Christ that we ought to serve.”<sup>162</sup> I say, therefore, that in such a case no one is permitted to flee except the leader when he foresees the danger, not by himself, but with his army, and only cautiously lest his army or its enemy perceive this, as Vegetius instructs the leader of the army in book three, chapter twenty-four, where he says, “There remains to state how one should withdraw from the enemy. For those experienced in the lessons of war and examples bear witness that danger sometimes threatens. ... But because it is often necessary that one should withdraw, it must be stated how this can be done safely. First of all, your men should not know that you are withdrawing because you decline to enter the conflict, but they should believe that they are being called back by some design ... in order to set better hidden ambushes for the pursuing enemy. For the men who perceive that their leader is without hope are ... ready for flight. You must also avoid the enemy seeing that you are withdrawing and attacking immediately.”<sup>163</sup>

Hence, in this case after entering upon war, all except the prelates are permitted to flee in this way, just as before entering upon war in the first member of the disjunction concerning that flight, as has already been stated. And this is so because the church ministry of the prelates in spiritual matters is especially necessary at this time for those unable to flee, as will be explained below. But the ministry of the others is not necessary for them because it consists solely in temporal matters. In this case, nonetheless, it would be more perfect for the soldiers to die with their brothers, by resisting the enemy and by fighting, as frequently happens to those who are inexperienced and ignorant of the dangers of war and to the truly brave, rather than to commit themselves to an uncertain flight out of a fear of losing their life—something that the experienced, who know the dangers of war, and especially those who are cowardly and not truly brave often do, as the Philosopher says in book three of the *Ethics*, “Soldiers are cowardly when the battle has lasted too long and they are giving out. For they flee first, while all who remain die. For them it is shameful to flee, and death is preferable to such safety. But they face danger from the beginning, as being better. Knowing the facts, however, they flee, fearing death more than

<sup>162</sup> See Augustine, *Letters* 228.1; PL 33: 1013–1014. The letter to Quodvultdeus is not extant, and the addressee cannot be Quodvultdeus of Carthage, who had not as yet been raised to the episcopacy.

<sup>163</sup> Vegetius, *Epitome* 2.22.1-5; ed. Önnérfors, pp. 173–174.

shame. A brave man is not like that. For a brave man realizes that honor is not an external possession and that his own life is not either. And for this reason soldiers, who would be about to flee, when they know the imminence of death, very often obtain victory more than the cowardly do.”<sup>164</sup> As another translation handles the same passage, “For at the beginning of war soldiers act in a manly way, considering the situation on the basis of the skill and experience of wars that they have, and they expose themselves to the greatest dangers, but realizing the imminence of death, they flee, fearing death more than shame. A brave man, however, is not like that.”<sup>165</sup>

As Vegetius says in the same work as above, book one, chapter two, “We see that the Roman people subjugated the world by nothing else than an army of weapons, the discipline of the camps, and the soldiers. For the knowledge of the affairs of war looks for boldness in fighting. After all, no one fears to do what he is confident of having learned well. ... For a few men practiced in the conflict of wars is more likely to win victory, while a multitude of untrained country bumpkins faces slaughter.”<sup>166</sup> And as he says in book two, chapter twenty-one, of the same work, “An untrained soldier or novice was constantly trained in order that the experience of daily labor would not seem difficult in war. For, as a well trained soldier desires battle, so someone untrained fears it. Finally, one should realize that in a fight experience does more good than strength. For, if instruction in weaponry ceases, a peasant is no different than a soldier.”<sup>167</sup> And in book three, chapter one, he says, “And so, someone who desires victory should diligently instruct the troops; one who hopes for a favorable outcome should fight with skill, not by chance.”<sup>168</sup>

But in the present case one must distinguish concerning the flight of prelates because either the enemy is seeking the death of the whole community or only that of the prelates. If the first is the case, I draw a further distinction because through the flight of the prelate the ministry incumbent upon him either is completely withdrawn from his subjects or it is not, but can be supplied by others who remain. If the first is the case, I say that the prelate is not permitted to flee, as Augustine says in the previously mentioned Letter to Honoratus after the words in it quoted from the Letter to Quodvultdeus: “It remains,

<sup>164</sup> Aristotle, *Nicomachean Ethics* 3.8.1116b15–23; tr. Grosseteste A, ed. Gauthier, p. 194.

<sup>165</sup> *Ibid.*; Henry’s alternate translation does not correspond exactly to any of the translations in *Aristotelis Latinus*, although it may be an adaptation of William Moerbeke’s translation, which is a revision of Grosseteste’s.

<sup>166</sup> Vegetius, *Epitome* 1.2.2–3 and 7–8; ed. Önnersfors, pp. 8–9.

<sup>167</sup> *Ibid.* 2.2112–13; ed. Önnersfors, pp. 92–93.

<sup>168</sup> *Ibid.* 3.1.8; ed. Önnersfors, p. 101.



therefore, for us whose ministry is necessary for as much of the people of God as remains where we are—although without this it would not be necessary to remain—to say to the Lord *Be for us a protecting God and a fortified place* (Ps 30:3).<sup>169</sup> Nor should we seek other protection by fleeing and abandoning the people.

If the second is the case, then I distinguish, because either the flight is solely from the fear of death or it is so that the one fleeing may save himself for the greater benefit of the Church. If the second is the case, I make a further subdistinction because either by fleeing one does more harm by his example than he does good by the duty of living, or conversely one does more good by the duty of living than he does harm by his example. If the first is the case with this and the preceding subdistinction, I say that a prelate is not permitted to flee, as Augustine says in the same Letter past the middle: “When the danger is common and there is a greater fear that anyone who does that would be thought to have acted not out of a desire to help, but out of a fear of dying, and he would do more harm by the example of fleeing than he would do good by the duty of living, he [597r] absolutely should not flee.”<sup>170</sup>

And the same man says in the same place: “Heaven forbid that that we should place so little value on this ship of ours that the sailors and especially the helmsman abandon it when it is in danger, even if they can escape by jumping into a life raft or by swimming.”<sup>171</sup> In this way in the fall of Acre some of the prelates wanted to escape by boat, and they immediately drowned in the harbor, as is said. And this rule, namely, that in this situation it is not permitted to flee, is general—before the start of the fight, after its start, and after it subsides.

If the second part of this last subdistinction is the case, I say that a prelate is permitted to flee by an argument from the contrary sense of that already stated, as will be explained in what follows. But in this case no one should ever attempt flight, even for the greatest benefit of the Church or community, unless he first experiences regarding this the movement of a divine stimulus in himself because it would be presumptuous to attempt this on his own initiative, as Augustine says to Honoratus in the same letter as above: “Let no one make an exception for himself so that, if he seems to excel in some gift, he claims that he is more deserving of life and, hence, of flight. ... Whoever says this is also displeasing to everyone.”<sup>172</sup> And after a bit he says, “Those who say that they ought rather to flee either will seem cowardly because they did not want

<sup>169</sup> Augustine, *Letters* 228.1: PL 33: 1014.

<sup>170</sup> Ibid. 228.10; PL 33: 1017.

<sup>171</sup> Ibid. 228.11; PL 33: 1018.

<sup>172</sup> Ibid. 228.12; PL 33: 1018.

to endure the imminent suffering or will seem arrogant because they judged that they were to be saved as men more necessary for the Church.”<sup>173</sup>

Hence, all those who do not experience regarding their flight a special divine stimulus should in the case described consider that none of them should flee, as Augustine says in the same letter, “In a common danger of this life why do we suppose that, wherever there is an enemy attack, all the clerics, but not all the laity as well are going to die so that they together end this life, for which the clerics are needed? Or why should we not hope that, just as some of the laity will survive, so some of the clergy will survive who can provide for the laity the ministry they need?”<sup>174</sup>

Hence, if in this case flight is indicated for one or more of them on account of the future good of the Church, Augustine determines in the same Letter that some should perhaps to be chosen for flight. But if it cannot<sup>175</sup> be decided who from all of them will be more beneficial for the Church, they should simply be chosen. But if they choose not to flee, but to die with the rest, the others considered less beneficial should unanimously oppose them on this and force them to flee to the extent that they can. Augustine speaks as follows: “If there were a dispute among these ministers of God over who of them should remain in order that the Church might not be abandoned by the flight of all and over who of them should flee in order that the Church might not be abandoned by the death of all, and if this dispute cannot be ended in another way, it seems to me that those who should remain and those who should flee should perhaps be chosen by lot. Then, perhaps those who are better men will chose to lay down their lives for their brothers, and those will be saved by fleeing whose life is less useful because less favorable for guiding and governing. Those, nonetheless, who are wise in piety will oppose those who they see ought to live and prefer to die rather than to flee.”<sup>176</sup>

But if the enemy are seeking a prelate to put him alone to death, I draw a further distinction, because he either can be hidden by the people so that he does not perish, or he cannot. If he can be hidden, then he ought not to flee, as Augustine says in that often cited Letter toward the end: “If they are not seeking the laity to put them to death, they can somehow hide the bishops and clerics, as he in whose power all things are provides his help, who can by his marvelous power save even one who does not flee. But we are seeking

<sup>173</sup> Ibid.

<sup>174</sup> Ibid. 228.11; PL 33: 1018.

<sup>175</sup> I have restored Augustine’s negative, which is lacking in the Badius text.

<sup>176</sup> Augustine, *Letters* 228.12; PL 33: 1018.

what we should do lest we should be judged to tempt God, if all seek divine miracles.”<sup>177</sup>

If he cannot be hidden, then a prelate can flee, provided, nonetheless, that the Church is not abandoned by the necessary ministers, and this can be done in four ways: either by the action of others, or by the urging of others, or by one's own initiative, whether divine or human.

Concerning flight in the first way, namely, by the action of others at the example of Christ, Augustine says in the beginning of the previously mentioned letter, “He did not do this himself, did he, when he fled into Egypt, carried by his parents?”<sup>178</sup> For he had not yet gathered the churches.”<sup>179</sup>

Concerning flight in the second way, namely, at the urging of others by the example of Paul, he immediately says, “When, in order that an enemy might not arrest him, the apostle Paul was lowered in a basket through a window and escaped his clutches,<sup>180</sup> the church in that place was not, was it, deprived of necessary ministry? Rather, others located there carried out what was necessary. The apostle had done this because they wanted him to save himself for the Church, for that persecutor was seeking him in particular. Let the servants of Christ, the ministers of his word and sacrament, therefore, do what he commanded or permitted. Let them certainly flee from city to city when anyone of them in particular is being sought by persecutors, provided that the church is not abandoned by the others who are not being sought in this way. But let them offer nourishment to their fellow servants who they know cannot live otherwise.”<sup>181</sup> By this the opposite judgment is understood, namely, that, if those do not remain who might fulfil the ministry of the Church, a prelate who alone is being sought is not permitted to flee, just as when they are seeking the whole city, as we stated above. Hence, after a bit Augustine adds, saying: “Why do they think that they should obey to the letter the commandment where they read that one should flee from city to city<sup>182</sup> and are not horrified at the hireling who *sees the wolf coming and flees because he does not care about the sheep* (Jn 10:12-13)? Why do they not strive to understand these two statements of the Lord, that is, one in which flight is allowed or commanded, the other in which it is rebuked or blamed, in order that they may find them not opposed to each other, as they are not? And how do they find this out unless

<sup>177</sup> Ibid. 228.11; PL 33: 1017.

<sup>178</sup> See Mt 2:14.

<sup>179</sup> Augustine, *Letters* 288.2; PL 33: 1014.

<sup>180</sup> See 2 Cor 11:33 and Acts 9:25.

<sup>181</sup> Augustine, *Letters* 228.2; PL 33: 1014.

they pay attention to what I already discussed above, namely, that, when persecution threatens, we ministers of Christ ought then to flee from the places in which we are, either when there will be no people of Christ to minister to or when there will be and the necessary ministry can be performed by others who do not have the same reason for fleeing. In that way the apostle fled, as we mentioned above, lowered in a basket.”<sup>183</sup>

Concerning flight in the third way, namely, on one’s own initiative at the divine example of Christ, John eight says, *But Jesus hid himself and left the temple* (Jn 8: ), and Luke four says, *Passing through their midst, he went off* (Lk 4: ).

Concerning flight in fourth way, namely, on one’s own human initiative—understand in accord with what has been said, not without divine inspiration—at the example of Athanasius, of whom Augustine says after the previous statements about Paul: “Holy Athanasius, the bishop of Alexandria, fled when the Emperor Constantius wanted to arrest him in particular, when the Catholic people was by no means abandoned by the other ministers who remained in Alexandria.” And after a bit he says, “For the Catholic faith, which was defended against the Arian heretics by his words and his love, knows how necessary he was for the Church, how much good it did that that man stayed alive.”<sup>184</sup> And Augustine says all this against those who said in opposition to him that [597v] in certain cases ministers of the Church ought not to flee from persecutions. For Augustine says in the previously mentioned Letter long before, “We have heard that a certain bishop said: ‘If the Lord commanded us to flee in those persecutions, where can there be the fruit of martyrdom? How much more ought we to flee useless sufferings when there is a hostile invasion of barbarians?’ This is, of course, true and acceptable, but for those whom the bonds of duty to the church do not bind.”<sup>185</sup> And a little further on he says, “But who would believe that the Lord wanted us to do this in such a way that the flocks whom he purchased by his blood are deprived of that necessary ministry without which they cannot live?”—as if to say, “There is no Catholic who would believe that.”

But the previously mentioned Letter argues in one way that one should not remain in persecutions, but should flee, as follows, where Augustine says in the previously mentioned Letter: “If we must remain in the churches, I do

<sup>182</sup> See Mt 10:23.

<sup>183</sup> Augustine, *Letters* 228.6; PL 33: 1015.

<sup>184</sup> Ibid. 228.10; PL 33: 1017.

<sup>185</sup> Ibid. 228.4; PL 33: 1014–1015.

not see what good we are going to do for ourselves or for the people, except that before our eyes the men are slain, the women are raped, the churches are burned, and we ourselves do not falter under torture when they ask of us what we do not have.”<sup>186</sup> And he replies individually to the individual points, when he says, “God is, of course, able to hear the prayers of his family and to turn aside these things that they fear, and yet on account of these events, which are uncertain, we ought not commit the certain wrong of abandoning our duty without which the destruction of the people is certain, not in matters of this life, but of the next life that we ought to care for with incomparably more diligence and solicitude.”<sup>187</sup>

And below he says, “And let us fear that the sheep of Christ be slain in the heart by the sword of spiritual wickedness more than that they be slain by steel in the body. Let us fear that the purity of the faith perish because the inner mind has been corrupted more than that women would be violently raped in the flesh, because chastity is not violated by violence if it is preserved in the mind. Let us fear that living stones be killed if we desert them more than that the stones and timbers of earthly building would be burned if we are present. Let us fear that the members of Christ’s body be slain because spiritual food has been lost more than that the members of our body would be tortured after being overwhelmed by the enemy attack. It is not because the latter should not be avoided when they can be, but rather because they must be endured when they cannot be avoided without impiety, unless someone should contend that a minister is not impious who withdraws his ministry to piety when it is more necessary. Or, when one faces the ultimate in such dangers and there is no ability to escape them, do we not know how great a rush to the church there usually is on the part of both sexes and of every age, with some demanding baptism, others reconciliation, and still others seeking even the performance of penance, and all seeking consolation and the confection and conferral of the sacraments? In that case, if ministers are lacking, what a great disaster follows those who leave this world either without having been reborn or not released from their sins! Moreover, what great groaning there is on the part of all, and what blasphemy there is on the part of some over the absence of ministry and of ministers.”<sup>188</sup>

But others argue the same point in another way, as Augustine says in the same place: “There are those, of course, who think that bishops and clerics who

<sup>186</sup> Ibid. 228.5; PL 33: 1015.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid. 228.7–8; PL 33: 1016.

do not flee in such dangers, but remain, cause the people to be deceived when they do not flee when they see that their superiors remain.”<sup>189</sup> Augustine replies to these, adding: “But it is easy to turn aside this reply or ill-will, addressing the same people and saying: Do not let the fact that we are not fleeing from this place deceive you. For we are not remaining for our sake, but rather for your sake lest we not minister to you whatever we know is necessary for true salvation, which is found in Christ. If, then, you want to flee, you absolve us from these bonds. I think that this should be said when it really seems useful to move to those safer places. When they hear this, if all or some of them say: We are in the power of him whose anger no one escapes wherever he goes and whose mercy one who does not want to go can find wherever he is, if he is prevented by certain necessities or does not want to labor for uncertain refuge and dangers that will not end, but be changed. They should not be abandoned by the Christian ministry. But if when they have heard this, they prefer to leave, then those do not have to remain who remained on their account.”<sup>190</sup> And below he says, “We, however, cannot find anything better to do amid these dangers than offer prayers to the Lord our God that he may have mercy on us.”<sup>191</sup>

<sup>189</sup> Ibid. 228.13; PL 33: 1018.

<sup>190</sup> Ibid. 228.13; PL 33: 1019.

<sup>191</sup> Ibid. 14; PL 33: 1019.



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